

IN THE DISTRICT COURT OF THE UNITED STATES

EASTERN DISTRICT OF TENNESSEE

SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff.

vs.

JAMES R. HOFFA, ET AL,

Defendants.

NO. 11,898

Date: February 6, 1964

Chattanooga, Tennessee

Before: Honorable Frank W.
Wilson, Judge

OFFICIAL TRANSCRIPT OF PROCEEDINGS

VOLUME XV

PAGES 3452 TO 3739

DEFT. COPY

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I N D E X

WITNESS INDEX

EDWARD GRADY PARTIN

Cross Examination by Mr. Berke

3460

JOHN J. HOOKER

Examination by Mr. Silets

3725

TRIAL EXHIBITS

NUMBER

DESCRIPTION

For
Ident.

In
Evidence

112

Sheridan Notes (Sealed)

3457

113

Nashville Trial Transcript

3458

114

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3592

115

List of Dates of Hotel Bills

3634

101

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102

Hotel Bill

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PM

FOURTEENTH DAY OF TRIAL

9:00 O'Clock, A. M.
February 6, 1964

(Thereupon, pursuant to adjournment from February 5, 1964, court was in session.)

(Thereupon, the jury of twelve and four alternates remained excluded from the courtroom and in their absence the following proceedings were had, to-wit:)

MR. HAGGERTY: Your Honor, in reference to the matter of surveillance.

THE COURT: Yes, sir.

MR. HAGGERTY: I find the law very sparse on that subject matter but I have compiled a little brief which I think would be of assistance to the Court.

THE COURT: All right, sir.

MR. HAGGERTY: And I serve government counsel.
How are you this morning, Mr. Hooker?

MR. HOOKER: All right, fine.

THE COURT: Gentlemen, with regard to the -- yes, Mr. Branstetter.

MR. BRANSTETTER: May it please the Court, in reference to the notes, memoranda, and other matters that were handed to the Court that Mr. Sheridan stated on the witness stand on the motion to suppress that he had made, and I understand later on he stated that he had made summaries of these

1 total notes, now, in order that the record will be clear, the
2 motion in that respect was twofold.

3 One, we asked when Mr. Sheridan was on the stand
4 to see those notes under the Jencks Act as a proper method of
5 cross examination. That is the first part of the motion.

6 Secondly, we asked separate and apart, totally
7 separate and apart from the Jencks Act, to see the statements
8 and memoranda submitted to the Court by counsel as a matter of
9 the government being required and the burden of proof resting
10 upon the government to establish that no illegally-obtained
11 evidence was or would be admitted.

12 THE COURT: All right.

13 MR. BRANSTETTER: And now the matter before the
14 Court with this particular Witness Partin, of course, would
15 deal primarily with the Jencks Act and the reference to re-
16 questing the Court on the motion to suppress to look at these
17 notes and memoranda, as stated, went twofold, both the Jencks
18 Act and the burden upon the government to establish that the
19 information was not secured in an unlawful method.

20 THE COURT: All right. Gentlemen, with regard to
21 the motion on behalf of Mr. Dorfman for further instructions
22 to the jury in regard to any statement of the Witness Tweel,
23 the Court is of the opinion that the proper and appropriate
24 instructions were given in that regard on more than one oc-
25 casion and in particular, for example, on pages 3375 and 3376

1 of the transcript. The Court is of the opinion, therefore,
2 that that motion should be overruled.

3 The motion on behalf of the defendants with regard
4 to Exhibit No. 111, being the FBI statement, requested that it
5 be made available to the defendants, the Court is of the
6 opinion that that motion should be overruled.

7 The Court finds that there are no notes or docu-
8 ments of the Witness Sheridan that are in any respect state-
9 ments of the Witness Partin that would be in any way subject
10 to production under the Jencks Act. The motion, therefore,
11 of the defendants to strike the testimony of the Witness Partin
12 upon this ground would be overruled.

13 All right. Are we ready?

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1 MR. HAGGERTY: There is one matter, Your Honor,
2 and that refers to our claim, Your Honor has ruled, but I
3 call this to Your Honor's attention under the Jencks act it
4 provides for voir dire. There has been no voir dire as such
5 under the Jencks act rule in reference to these notes that
6 were made by Mr. Sheridan, these cryptic notes, and then the
7 enlargement upon them seven months later of the reports of
8 the FBI predicated upon those notes.

9 Therefore, I ask either that we have a voir dire
10 on the Jencks act statements or if the government will so
11 stipulate that the voir dire that was conducted for the
12 purpose of the motion to suppress wherein Partin was the
13 witness, Walter Sheridan was a witness, and so forth, be
14 construed to be a voir dire under the Jencks act.

15 THE COURT: All right. Is the government willing
16 to stipulate that that examination of Mr. Sheridan would
17 constitute the voir dire?

18 MR. NEAL: Yes, Your Honor, I assume that is what
19 the Court was considering and that is what the government
20 was considering.

21 THE COURT: All right. Allow the record to so
22 show. Are we ready to proceed with the jury?

23 MR. BRANSTETTER: May it please the court, on
24 the motion to suppress, we have on yesterday marked as an
25 exhibit to the testimony of Mr. Buffalino a portion of the

1 transcript of the proceedings in the case of United States of
2 America versus James R. Hoffa and Commercial Carriers, Inc.,
3 Middle District of Tennessee, Criminal action No. 13241, and
4 by inadvertence or otherwise and with reference to Mr.
5 Maher's testimony on yesterday, I would like to introduce and
6 I will have to produce copies, but pages 1101 through 1114 of
7 that particular transcript. And I would ask permission of
8 the Court at this time to be able to excerpt it and deliver
9 to counsel and submit it as an exhibit to Mr. Maher's
10 testimony. We would also like, may it please the Court, that
11 the notes that were handed to the Court insofar as Mr.
12 Sheridan are concerned would be made a part of the record in
13 this cause.

14 THE COURT: All right. Yes, sir.

15 MR. BRANSTETTER: In order that they may be
16 considered if it becomes necessary or pertinent later on.

17 MR. SILETS: Your Honor, those notes will take a
18 double facet, it is my understanding, one, as an exhibit to
19 the motion to suppress and another is to consider them
20 whether they fall under the Jencks statute.

21 THE COURT: Yes, they will be filed as a sealed
22 exhibit and available for whatever purpose in the record may
23 be appropriate.

24 MR. SILETS: May the record also show that we on
25 behalf of the Defendant Dorfman and adopted by all other

1 defendants are adopted as an exhibit on the motion to suppress
2 as well as under the Jencks act.

3 MR. BRANSTETTER: I would like to hand up to the
4 reporter and have marked for identification pages 1101 through
5 1114 of the transcript as referred to and then other copies
6 will be submitted.

7 THE COURT: All right, without objection allow it
8 to be filed. The notes and documents of the witness Sheridan
9 will be marked for identification as sealed exhibit No. 112
10 of the witness Sheridan.

11 THE CLERK: Mr. Sheridan.

12 (The notes & documents referred to above were marked
13 Government Exhibit No. 112,
14 for identification only.)

15 MR. SILETS: Your Honor, Exhibit No. 112 is the
16 notes of Mr. Sheridan that are offered for the motion to
17 suppress. Am I correct?

18 THE COURT: Yes, sir.

19 THE CLERK: No. 103, Your Honor, you're not
20 through?

21 THE COURT: Just a minute, gentlemen, let's get
22 the record straight.

23 THE CLERK: No. 112 is correct.

24 THE COURT: The last previous exhibit was Exhibit
25 No. 111, being the sealed statement of the FBI witness.
This document that has just been filed as a sealed document

1 will be Exhibit No. 113, being the notes and documents of
2 the witness Sheridan.

3 Now, the pages which have been filed by Mr.
4 Branstetter being pages 1101 through 1114 will be Exhibit
5 No. 114. Strike what we have said. And let's get this
6 correct.

7 I was correct I believe the first time. Exhibit
8 No. 112 will be the sealed notes and documents of the
9 witness Sheridan.

10 Exhibit No. 113 will be the pages filed just now
11 by Mr. Branstetter from the transcript being pages 1101
12 through page 1114 of the Nashville transcript.

13 (The pages 1101 through 1114 referred to
14 above were marked Government Exhibit No. 113
for identification only.)

15 MR. SILETS: Now that we have gotten the record
16 right, have gotten the right numbers, may the record reflect
17 both exhibits No. 112 and No. 113 were offered as in support
18 of the motion to suppress?

19 THE COURT: All right.

End 2
Pk 3 fol.

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1 MR. SILETS: And among other documents in
2 support of the motion to suppress were the two documents,
3 the sealed envelopes. May we have those considered also
4 as exhibits in support of the motion to suppress as well
5 as the documents contained in the envelope, the affidavit
6 of the FBI agent? I think those are Exhibits 109, 110, 111.

7 THE COURT: All right.

8 MR. BRANSTETTER: May it please the Court, on
9 the question of surveillance that Mr. Haggerty referred to
10 earlier and the discussion of this past evening, the Court
11 referred to authority, legal authority, with reference to
12 this particular proposition and, of course, it would at
13 least be persuasive in character, I would assume, as having
14 been a ruling of another district court but Judge Miller,
15 on Page 1114 of the transcript that was just handed in ruled
16 as follows on that particular matter, and I quote:

17 "We all know from the history of this proceeding
18 thus far that there have been a lot of mysterious telephone
19 calls that we have been unable to determine the source of.
20 I expect everyone connected with the trial has received some
21 kind of telephone call. I can certainly state that the
22 Court has received unexplained telephone calls. I don't
23 believe there is any showing here that would justify this
24 Court in concluding that the United States Government, whose
25 duty is to uphold the law, is making any effort to impede

1 the administration of justice in this trial. It goes without
2 saying, and I will add the same observation I did yesterday,
3 that if it ever came to the attention of this Court, if it
4 should ever be proved adequately and satisfactorily that
5 there is an effort of anyone to interfere with this Court or
6 to interfere with the trial of this case or with this pro-
7 ceeding, I will deal with it most sternly and severely."

8 THE COURT: All right. May we have the jury
9 returned?

10 MR. MARSHAL: May we have the witness?

11 THE COURT: We will have the witness just as
12 soon as the jury returns, yes.

13 (Thereupon, the jury of 12 and 4 alternates were
14 returned into open court and the following further proceedings
15 were had, to-wit:)

16 THE COURT: Each day you all return looking
17 healthy; it's a matter of great pleasure and satisfaction
18 to the Court to see you looking that way.

19 May we have the witness called?

20 EDWARD GRADY PARTIN,

21 a witness called at the instance of the United States of
22 America, having been previously duly sworn, was recalled
23 and testified further as follows:

24 CROSS EXAMINATION

25 BY MR. BERKE:

1 Q Mr. Partin, I believe you stated you are 40
2 years of age, is that correct?

3 A I will be 40 next month, yes, sir.

4 Q What kind of work have you done in your lifetime?

5 A Oh, International Paper Company, construction
6 companies, Teamsters work.

7 Q How much education have you had?

8 A Well, it would amount to about a tenth grade
9 education, I imagine.

10 Q When did you complete your tenth grade education?

11 A I said it would amount to it. I took a--business
12 courses also. I said it would amount to about a tenth grade
13 education.

14 Q Well, how far in school did you go?

15 A Ninth grade in school itself. **LSU**

16 Q What did you do after school?

17 A What do you mean by what did I do?

18 Q After your school work, after your ninth grade?

19 A I don't know exactly what you mean. That's
20 quite a while ago, I imagine. What did I do? I worked or
21 what?

22 Q You don't remember what kind of work you followed?

23 A Well, I told you, sir, various jobs, various
24 jobs, pipelines, construction, International Paper Company.

25 Q Do you know who you worked for?

1 A I believe I told you International Paper Company
2 is one, construction companies.

3 MR. SILETS: Will the witness keep his voice up,
4 please?

5 THE COURT: All right. Speak so everyone can
6 hear, please, Mr. Partin.

7 THE WITNESS: All right.

8 BY MR. BERKE:

9 Q Will you repeat that answer, please?

10 A International Paper Company and various con-
11 struction companies, pipelines.

12 Q Do you know the names of the people that you
13 worked for?

14 A Sir, I couldn't repeat the names.

15 Q But you do remember one, that is the paper
16 company?

17 A I remember it in detail because all of my in-laws
18 are employed by the International Paper Company.

19 Q Were you in the service?

20 A Yes, sir.

21 Q What kind of discharge did you get?

22 MR. NEAL: Objection, your Honor.

23 THE COURT: Overruled.

24 A Bad conduct.

25 Q How did you get into the service, Mr. Partin?

GOVT TURN OVER
MILITARY RECORD
(REASON)

1 A I don't remember exactly how I got into the
2 service. I had always wanted to go into the Marines.

3 Q Didn't you make a deal if you would go into the
4 service if they would drop the burglary charge?

5 MR. NEAL: Objection, your Honor.

6 THE COURT: Overruled.

7 A I don't remember any deals being made, no, sir,
8 I sure don't.

9 Q Well, didn't you have a burglary charge pending
10 at the time you got into the Marine Corps?

11 A Not that I remember. I may have, I don't remember,
12 I was young at that time.

13 Q Do you remember having a burglary charge against
14 you at the time you got into the Marine Corps?

15 A Well, sir, when I was a kid I didn't have any
16 home, I don't know what all I had against me. I was from
17 place to place, just stayed--

18 Q (Interposing) Do you mean that you had so many
19 charges you can't remember that one?

20 A I didn't say that.

21 Q Well, now, why is it that you can't remember
22 whether or not at the time you entered the Marine Corps that
23 you had a burglary charge?

24 A I was 16 or 17 or 18 years old, I think, I am
25 not sure how old I was.

• Partin - Cross

1 Q While you were in the Marine Corps, is it another
2 burglary charge what caused you to get a dishonorable dis-
3 charge or bad conduct discharge?

4 A No, sir.

5 Q Didn't you have charges placed against you while
6 you were in the uniform of the United States?

7 A I don't remember the details of it, no, sir.

8 Q I know you don't remember the details, but you
9 would remember if you were placed in custody, wouldn't you?

10 A Yes, sure would.

11 Q Will you tell this jury whether or not you were
12 placed in custody while you were wearing a Marine uniform?

13 A I don't know if I was wearing a Marine uniform or
14 not, sir. As I said, I was 16 or 17 years old. Whatever I
15 did then I will be glad to admit it.

16 Q You weren't 16 or 17 years old at the time you
17 were released from the Marine Corps, were you?

18 A Not when I was released. I don't remember exactly
19 how old I was, sir. It was 20-something years ago. I don't
20 imagine you can remember that far back in detail.

21 Q Well, didn't you have more than one charge placed
22 against you while you were in the Marine Corps?

23 A No, sir.

24 Q Are you sure of that?

25 A To the best of my memory I did not.

1 Q When did you enter the service?

2 A Nineteen forty something. Nineteen forty some-
3 thing. I'm not positive of the year.

4 Q Did you enter it on March 14, 1941? Does that
5 sound about right?

6 A That could be right. That would be about the
7 length of time over the years, I would imagine.

8 Q Now, how long were you in the service until you
9 received your bad conduct discharge?

10 A I don't remember for sure how long I was there,
11 sir.

12 Q Well, can you give us an estimate about how long
13 you were there?

14 A I would guess a year, just guessing. I don't
15 know.

16 Q Weren't you in there longer than a year?

17 A I said, sir, I don't remember. I was guessing.

18 Q Actually you were there up until 1943, were you
19 not?

20 A I don't think so, no, sir. I think you have the
21 wrong information.

22 Q All right, if I have the wrong information, when
23 were you discharged?

24 A I said, sir, I don't remember exactly when I was
25 discharged. That was a long time ago.

1 Q Where is your bad discharge?

2 A Where is my what?

3 Q Where is it? You received it, didn't you?

4 A Yes, sir, I would imagine I received it.

5 Q What did you do with it?

6 A Well, I wouldn't remember where it is over that
7 length of time, sir.

8 Q Were you ever in Bremerton, Washington?

9 A That is where I was in the Marines when I was
10 discharged, sir.

11 Q Were you ever arrested in Bremerton, Washington,
12 while you were in the Marine Corps?

13 A I would imagine that is the time you are talking
14 about on that. I would guess in the Marines.

15 Q Well, now, will you please the tell the jury what
16 you were arrested for?

17 A It was some petty charge. I don't remember. I
18 just don't remember. No serious offense. I don't remember
19 exactly what it was. I will be glad --

20 Q (Interposing) Let's get to a little more serious
21 charge, what about in September 1941 while you were still in
22 the Marine Corps at Roseburg, Oregon, now you surely remember
23 that, don't you?

24 A No, sir, I don't remember that.

25 Q Were you in Roseburg, Oregon?

1 A If I was there, I don't know the name of the
2 place as far as knowing.

3 Q You were in Oregon, weren't you?

4 A I would have to come through Oregon to come home.

5 Q Didn't you, don't you remember while you were in
6 uniform on September 1, 1941, you were arrested for robbery
7 and auto theft?

8 A No, sir. You have your information wrong. Better
9 check it again.

10 Q You say you want me to check that again?

11 A Yes, sir, I would if I was you.

12 Q Is that the wrong charge?

13 A You have the wrong place of events and times,
14 I think, because I --

15 Q (Interposing) All right, where was the place of
16 events?

17 A You are the one telling me about it. I don't know

18 Q Weren't you arrested in Roseburg, Washington, and
19 you were released to the Siskiyou County, California,
20 authorities because that is where the offense was committed?

21 A I don't remember the details. As I said, sir,
22 that was a long time ago.

23 Q Does California strike you as the right place
24 where you were finally transferred to when you were in the
25 Marine Corps?

1 A Sir, you better get your information straight.

2 I was never transferred to California.

3 Q Well, were you kept in Oregon?

4 A What do you mean kept in Oregon?

5 Q When you were arrested? Were you kept there or
6 were you transferred to another jurisdiction?

7 A When I left the Marines, sir, I went to Natchez,
8 Mississippi.

9 Q You didn't leave the Marines in 1941, did you?

10 A You were telling me when I left. I told you I
11 didn't know.

12 Q Well, you said that you went in the Marine Corps
13 in March 1941 and this is only less than six months later?

14 A No, sir, you said that.

15 Q Well, am I wrong?

16 A I don't know whether you are wrong or not, sir.

17 Q Well, did you state that you thought you were
18 in the Marine Corps at least a year?

19 A I said approximately. I was guessing.

20 Q When did you come back to Baton Rouge after you
21 received your bad conduct discharge?

22 A Sir, I don't remember. I was between Baton Rouge
23 and Natchez, Mississippi.

24 Q Well, what prompted you to get this bad conduct
25 discharge if it wasn't the arrest and the troubles that you

1 got into while you were in the Marine Corps?

2 A Well, I think that I would have got it for
3 several reasons because they had accused me of fraudulent
4 enlistment because of my age and not having my parents' con-
5 sent also.

6 Q Also to what?

7 A Along with what you are telling me.

8 Q In other words, in addition to the things that I
9 am telling you about, you say that a fraudulent giving of
10 your age was the cause of your discharge?

11 A No, sir, I did not. You said that. I said they
12 accused me of it.

13 Q Do you know of anybody that ever got a bad
14 discharge because they enlisted in the service prior to a
15 legal age?

16 A Yes.

End 4
5 fls

17 MR. NEAL: Objection, your Honor.

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1 THE COURT: He answered. Proceed.

2 MR. BERKE: All right.

3 BY MR. BERKE:

4 Q Now, when you came back to Baton Rouge what kind
5 of work did you do?

6 A Sir, it would have been on construction I imagine.
7 It's hard to remember twenty-something or maybe thirty years,
8 I don't know.

9 Q You wouldn't be forgetful about the different
10 troubles you got into, would you?

11 A Oh, yes, sir, because, as I said, I didn't even
12 have a home. I was living from place to place wherever I could
13 hang my hat or stay, so it would be easy to forget some of
14 the details of it.

15 Q In other words, you say because you didn't have a
16 home it would be easy for you to forget such important things
17 as being put in jail or getting in trouble with the law
18 constantly?

19 A Yes, sir, because I remember the times I have
20 had to steal bread and milk to eat from off the front of the
21 doorsteps when I was a minor and when I was a child and wash
22 my clothes in service stations and in the side, you know,
23 where you go in, so the events would be very faint to me
24 because that's something that I would like to forget that
25 long.

1 Q Now, you remember stealing when you were a little
2 child but when you got in the Marine Corps you don't remember
3 the stealing, do you?

4 A I didn't say I didn't remember. I said it was
5 something along there, those lines you said I didn't remember.

6 Q I said you didn't remember.

7 A That's what you told me.

8 Q No, I thought you said you didn't remember.

9 A I said I couldn't remember the details, sir.

10 Q You couldn't remember the details. But you know
11 it was--, there was some stealing, didn't you?

12 A I am sure it was, I think so.

13 Q Yes, sir. Now, how was it that you can remember
14 what you did when you were a little child when you were
15 stealing, you say to have something to eat, and you can't
16 remember about the stealing when you became an adult.

17 A When I became an adult? You have your times mixed
18 up, sir. I came from the Marine Corps to Baton Rouge.

19 Q When were you born?

20 A 1924.

21 Q All right, sir. When you got back to Baton Rouge,
22 Louisiana, within just a matter of weeks you got into
23 trouble again for stealing, didn't you?

24 A I don't remember that, sir, I certainly don't.

25 Q I beg your pardon?

1 A I was--, I don't remember because if I was I was
2 never tried for it or anything like that, I don't remember.

3 Q You mean on things you weren't tried for you just
4 don't remember?

5 A I would imagine nothing to them or I would have--

6 MR. NEAL: (Interposing) Is counsel allowed to
7 go into examination here of charges he is saying that were
8 brought and never tried for?

9 MR. BERKE: If Your Honor please, this is a
10 serious matter, if Your Honor please. We want to test this
11 man's credibility. We think we are entitled to go into these
12 things to show his bias and his prejudice.

13 THE COURT: Well.

14 MR. BERKE: We think we are entitled to wide
15 latitude on cross examination of this witness under all of
16 the circumstances that the court is familiar with.

17 MR. NEAL: Your Honor, this Court has instructed
18 this jury time and time again and rightfully so that indict-
19 ments, an indictment is not evidence, that that does not mean
20 you are guilty, that is for a jury of your peers to determine.

21 Now, withstanding that charge to this jury,
22 this counsel here who requested that charge, this is the
23 very man who requested that charge to this jury says, "Your
24 Honor, charge this--

25 MR. BROWN: (Interposing) Your Honor, on behalf

1 of the defendant--

2 MR. NEAL: (Interposing) May I finish?

3 MR. BROWN: No. I make my objection to the
4 speech. I ask that the jury be excused if Mr. Neal is going
5 to make a speech.

6 THE COURT: Well, gentlemen--

7 MR. NEAL: Your Honor, may I finish my objection?
8 I don't want to--

9 THE COURT: (Interposing) State your objection.

10 MR. NEAL: I just wanted to state Mr. Berke is
11 the very man who called for Your Honor to instruct this jury
12 that a charge doesn't mean guilt and now he is, by cross
13 examining--

14 MR. HAGGERTY: (Interposing) May it please the
15 Court--

16 THE COURT: Just a moment, gentlemen. I want to
17 give the defendants the right to broad examination.
18 Ordinarily a matter of charges as distinguished from
19 convictions are not proper items for cross examination. I'm
20 going to overrule, though, and let the witness answer.

21 MR. NEAL: Very well, Your Honor. May we deter-
22 mine then the times and places and disposition if the
23 witness knows? This insinuation of charges of some vague
24 remote past when he was sixteen or seventeen and then
25 dropping it so we don't know.

1 MR. HAGGERTY: I object to the government making
2 this argument then in front of the jury.

3 THE COURT: Let's proceed with the examination.
4 BY MR. BERKE:

5 Q Well, Mr. Neal would like to have the times and
6 places and I will help you with that. On May 7th, 1942,
7 weren't you placed in jail and that was shortly after you
8 got out of the Marines and in Baton Rouge, Louisiana, on or
9 about the time you were in the Marine Corps?

10 A Sir?

11 Q At Baton Rouge, Louisiana, for larceny?

12 A Sir, if I knew I would tell the jury because I
13 am not ashamed of my past because I lived it down. I would
14 be happy to look them in the face. I don't remember it and
15 if I did I would tell you so. I--

16 Q You say that you are not ashamed of things you
17 did way back then some twenty years ago?

18 A No, sir, because I believe that is what they
19 build churches for, to repent of your sins, I believe so.

20 Q All right. So then after 1942 you decided then
21 when you did become a little more mature that you were going
22 to lead a straight and narrow path and be a good citizen,
23 try to be?

24 A Sir, the way I remember you talking about the
25 times, I remember that the attorney general of Louisiana wrote

1 a letter to the place that I got in trouble and said I had
2 been a model citizen for a period of seventeen years, I
3 believe he said, and I was a family man, well thought of,
4 along with a letter from the Sheriff Department, where the
5 Congressman, the Senator and so forth, wanting to vendict me
6 for my past, which they did. I have a full pardon for the
7 one that you are speaking of, a full restoration of citizen-
8 ship. I didn't have one child I have now when any charges
9 that I had gotten in trouble for back then was--, since I was
10 married and have my children until I met Mr. Hoffa I never
11 had another charge put against me.

12 Q All right. Let's see about that. When did you
13 get married?

14 A Well, my children, my oldest one is about eleven
15 now, and I was married two or three years before that, before
16 I got married, I mean I was married two or three years before
17 I had a child, so I am just guessing approximately, I would
18 say fifteen years or maybe sixteen.

19 Q Now, you say that you had been pardoned or
20 forgiven for this Baton Rouge thing, is that what you said?

21 A I didn't say that. The only time I served a
22 jail sentence for felony I said I had a full pardon in the
23 eyes of God and in the eyes of the law, but evidently not
24 in your eyes.

25 Q Now, Mr. Partin, I am not going to get into a

1 quarrel with you, I am just going to ask you the questions
2 and I expect you to answer.

3 A Sure, I will be happy to answer them, sir.

4 Q Now, after you got out of this larceny thing and
5 were permitted--, now, just a minute, let me finish the
6 question.

7 A O. K.

8 Q Didn't you go back to the state of Washington?

9 A Sir?

10 Q And weren't you then picked up again in Washington
11 while you were still in the Marine Corps?

12 A Sir, I didn't say I'd ever been into the larceny
13 thing as you said.

14 Q All right.

15 A We take for granted what you say may be true.

16 Q Well, that's what you got into in Baton Rouge
17 before you got back out of the Marines?

18 A I don't know for sure what you are speaking of.
19 I know I had never been tried and sentenced for a felony in
20 Baton Rouge.

End 5

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1 Q What about Mr. Maher? Is that living a model
2 citizen just because you weren't convicted of another felony,
3 is that what you are trying to lead this jury to believe?

4 THE COURT: That is argumentative, Mr. Berke.

5 THE WITNESS: Sir?

6 BY MR. BERKE:

7 Q You are talking about felonies, right?

8 A Well, we are talking about any serious offense
9 I would be placed in jail, I would imagine.

10 Q You say you had never been placed in jail since
11 that felony charge?

12 A I did not say that, sir. You said it.

13 Q Well, I am asking you.

14 A Yes, sir, I have been placed in jail several
15 times. About, I would guess, 60 per cent of the time since
16 I have been over with Mr. Hoffa.

17 Q When were you last out at the West Coast before
18 you returned to the southern climate here?

19 A I believe I told the ladies and gentlemen on
20 the jury yesterday about that. That is the one he is speaking
21 of. The one I told you people of. I believe they already
22 know.

23 Q As a matter of fact, weren't you there on January
24 10, 1944?

25 A I believe you have me in the Marines, sir.

1 Q Isn't that the charge which you went to the
2 penitentiary on that you told Mr. Hooker about?

3 A I didn't say I went to the penitentiary. I said
4 I went to the reformatory school.

5 Q All right. What kind of sentence did you get?

6 A I believe it was three years that I stayed there.
7 I believe, I am not positive of that.

8 Q Now, Mr. Partin, I didn't ask you that. I asked
9 you what kind of sentence you got to see how your memory is
10 about that.

11 A It was changed twice. I don't remember exactly
12 because it was changed.

13 Q Well, I am testing your memory now. You say you
14 knew how long you served. What kind of sentence did you get?

15 A I don't remember the details of it, sir. It has
16 been quite a while.

17 Q Well, you were 20 years of age then?

18 A No, sir, I wasn't 20 years of age then. You have
19 something more wrong. Wrong information.

20 Q Well, January 10, 1944, weren't you 20 years of
21 age?

22 A I believe that would make me 19.

23 Q Well, when would you have become 20?

24 A Next month.

25 Q February. So, you are 19 years and 11 months?

- 1 A Still a minor.
- 2 Q And you got a 15-year sentence, does that refresh
3 your memory?
- 4 A No, sir, it wasn't. It was changed to that later.
5 It was not.
- 6 Q It was changed to that later?
- 7 A Yes, sir.
- 8 Q Was it more than that?
- 9 A If I could qualify my answer I could answer you.
- 10 Q Answer it any way you want to.
- 11 A Yes, sir, because if my mother and father would
12 have come and got me I wouldn't have been there. They weren't
13 there waiting for me and wouldn't come get me and I wouldn't
14 have went to the penitentiary. So it happened I didn't have
15 a mother and father to come get me so they had to put me
16 somewhere.
- 17 Q Mr. Partin, don't you know that your mother and
18 father didn't get you, that you escaped from the reformatory?
- 19 A Then? No, sir.
- 20 Q Then? Well, did you escape from the reformatory?
- 21 A I think I walked off once, yes, sir.
- 22 Q You walked off, you didn't escape, you just
23 walked off. Is that right?
- 24 A I don't remember because I wasn't given time for
25 it evidently.

1 Q Do you mean because you weren't given time for
2 it you don't remember it?

3 A I don't think so, no, sir. I wouldn't.

4 Q But you do remember walking off from the
5 reformatory?

6 A I believe I do, yes, sir.

7 Q Is that the only time that you had escaped from
8 any institution where you were confined?

9 A I didn't ever say I was confined to another one
10 and certainly I don't remember escaping from another one or
11 being in another institution.

12 Q You don't remember being confined in any prison
13 or any workhouse or any jail?

14 A Since that time, no, sir, being confined for
15 sentence, no, sir.

16 Q Well, let's see, in 1954 how old would you have
17 been? You would have been 30 years of age then, wouldn't
18 you? Thirty?

19 A I believe so. I would guess just what you said.

20 Q Would that, in your opinion, be time enough to
21 have been a matured and been a grown-up man?

22 A I would imagine I was, sir.

23 Q Now, in 1948 what age would you have been?

24 A I would have to figure, sir. I'm not that bright
25 that I can remember right offhand. I would have to figure.

1 Q Well, you remembered it pretty good yesterday
2 about all the events that took place in October, November
3 and December, in great detail, didn't you?

4 A Well, it would be a little bit fresher than some-
5 thing 15 years ago. Ten years ago. Or 20 years ago.

6 Q All right, we will get to some of those. What
7 about in 1948, do you remember getting into trouble in 1948?

8 A Not offhand, no, sir, I don't.

9 Q Did you get into real serious trouble something
10 that you would remember, Mr. Partin?

11 A Well, I don't imagine it would have been too
12 serious or I would have been in the penitentiary.

13 Q Would you consider rape and robbery, two different
14 offenses on the same day as a serious matter?

15 A If I wasn't guilty I wouldn't remember them, no,
16 sir.

17 Q Weren't you charged with raping a colored girl
18 in Mississippi?

19 THE COURT: Now, gentlemen, if you have con-
20 victions of those matters I will allow you to ask about them.
21 The purpose of this is not to degrade anybody by making
22 unsupported charges. If you have matters that relate to
23 convictions that would in any way reflect upon the credibility
24 of this defendant, it would only be admissible in that
25 respect. I will allow you to do so, but not just to by

1 unsupported charges to attempt to degrade someone.

2 MR. NEAL: We brought out on yesterday, felony
3 convictions of this man yesterday that we are required to do
4 by law and there are plenty of cases that say that this kind
5 of cross examination is not proper as your Honor just men-
6 tioned.

7 MR. BERKE: Your Honor, in addition to that, I
8 am testing this man's memory.

9 THE COURT: Well, let's not test his memory by
10 unsupported charges. If you have record of convictions you
11 may ask him about such matters.

12 BY MR. BERKE:

13 Q Do you remember the event?

14 A It seems that I remember something about it, yes,
15 sir. But as I said, I may have been accused of something
16 but I wasn't guilty evidently so it wouldn't bear on my mind
17 continuously like I was guilty.

18 Q Well, Mr. Partin, you remember being arrested
19 and questioned about it, don't you, doesn't that place it
20 indelibly in your mind, sir?

21 MR. NEAL: Your Honor, I don't want to, if your
22 Honor wants to and you are going to permit this, I don't
23 want to object about it, but I thought that your Honor had
24 said that these unsubstantiated charges would not be proper
25 cross examination.

1 MR. BERKE: If your Honor please, I am going
2 into his memory compared to what he went over with Mr. Hooker.
3 We think this is competent and I am not going to go into the
4 actual exact facts as your Honor asked me not to. I'm going
5 to respect the Court's decision on that matter, but I think
6 as to the convenience of this man's memory on things against
7 him and I think we would like to go into that, your Honor.

8 THE COURT: Well, allow it for that very limited
9 purpose.

10 THE WITNESS: What did you say, sir?

11 BY MR. BERKE:

12 Q Don't you remember being questioned extensively
13 something that would be indelibly impressed on your mind
14 about these matters about which I just now talked about, two
15 serious charges?

16 A Well, sir, I would imagine I would try to forget
17 them as fast as I could because of my children I wouldn't
18 want to let them know it and I imagine you would, too. So,
19 even, if you will let me finish?

20 Q Sure.

21 A Even if there had been something that had been
22 something to even if I had been convicted of something when
23 I had five children and my family there I would have tried
24 to keep back in my mind certainly when I went into the
25 churches, done church work, other work like that, I didn't

1 think--and I never did hear the minister of the church ask
2 me from the pulpit were you ever accused. I never did hear
3 that.

4 Q All right, sir. To get back to the question now,
5 do you recall being questioned extensively about this serious
6 charge and also about the robbery charge which happened on
7 the same day, do you remember it?

8 A I don't remember any details at all about things
9 like that. As I say, as far as the details that was a long
10 time ago. If you will ask me something that happened last
11 October, I think I can pretty well answer you.

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1 Q I will get to that, sir.

2 A Okay.

3 Q But I am asking you about this now. You say your
4 memory don't go back that far.

5 A Not in detail. I have answered you three times,
6 sir.

7 Q All right. Now, you told the Court and the jury
8 here that the only time you escaped was from this burglary
9 charge which you ultimately served three years and that was
10 the only escape that you had?

11 A I didn't even remember that in detail I said but
12 if I did that's the only one I know of.

13 Q I see. You wouldn't forget a little thing like
14 running away from a jail, would you?

15 A I certainly would not.

16 Q All right. I will ask you if on August 20th, 1943,
17 if you weren't placed in jail on a criminal charge and that
18 you escaped from that jail and that you got a sentence, both
19 for the escape and for the charge that you were put in jail on?

20 A I certainly don't remember it, sir.

21 Q You don't remember it?

22 A I certainly don't.

23 Q So that has slipped your memory?

24 A I don't think it slipped my memory, I think you
25 are mistaken on what you have.

1 Q All right. Were you ever in Vancouver, Washington?

2 A Yes, sir, I believe so. That's the same charge
3 that you have spoken to and I have told the jury about yester-
4 day that you have talked about all morning, that is the
5 identical same charge that he is speaking of.

6 Q Now, sir, we are not talking to you about the
7 charge from Bremerton, Washington, Roseburg, Oregon, and not
8 the Vancouver, Washington -- am I not talking about two
9 different charges?

10 A You are not talking about two different charges
11 when you say I was confined to the reformatory, you are
12 speaking of the same charge, sir, you are trying to make it
13 look like two or three different charges.

14 Q Well, in August, 1943, you hadn't yet been con-
15 victed on this burglary charge, your burglary conviction
16 didn't come in until January 10th, 1944?

17 A That is where your notes are mixed up, sir.
18 You had me in the Marine Corps two years longer than I was.

19 Q All right. Now that you know, when were you in
20 the Marine Corps?

21 A I answered you once, three times or four times,
22 I said approximately a year. Approximately, I didn't know.

23 Q What year? You say now I am wrong and you are
24 right. What year was it?

25 A I didn't say to the best of my memory and you told

1 me what year, I didn't tell you.

2 Q Well, you tell us.

3 A I said I didn't remember exactly what.

4 Q You didn't deny that the years that I mentioned
5 to you were correct, did you?

6 A I didn't say they were correct, either.

7 Q While you were in the Marine Corps didn't you
8 have occasion to come home and then go back to the Marine
9 Corps?

10 A No, sir, I certainly didn't. I certainly did not,
11 so you are all mixed up.

12 Q You are telling us now in 1942 you didn't go back
13 to Baton Rouge, Louisiana, where you got in trouble and then
14 went back out to the West Coast?

15 A I didn't say I got in trouble in Baton Rouge, you
16 said so.

17 Q All right, I said so. Do you deny it?

18 A Do I deny what, now? What now, going back?

19 Q That you got in trouble in Baton Rouge, Louisiana,
20 Case No. 15783?

21 A I don't remember it, no, sir.

22 Q You don't remember that. All right, sir. You
23 said that in 19 -- after you got out of the Marine Corps you
24 tried to lead a model life, the life of a model citizen?

25 A You said that, sir, that's what, you put words in

1 my mouth.

2 Q I am sorry, sir. I thought you said it.

3 A I said --

4 Q (Interposing) I apologize to you.

5 A I said for the last 15 or 20 years, especially
6 since I was married, that I led a model life, I didn't say I
7 tried. I attended church, I went to school functions, I was
8 on different committees in my hometown, even to the Attorney
9 General writing and asking I be restored to full citizenship
10 because of being a model citizen, that's exactly what I told
11 you.

12 Q You are trying to take care of your family?

13 A Sure do, sure do.

14 Q And you did that all of your married life?

15 A Sure have, as far as the best I could do, I
16 certainly have.

17 Q On October 16th, 1954, you were arrested for non-
18 support of your wife and your little children, weren't you?

19 A No, sir.

20 Q You deny that?

21 A I certainly do.

22 Q In Baton Rouge, Louisiana?

23 A I certainly do.

24 Q Case No. 37992?

25 A I certainly do.

1 Q All right. I believe that you also told the
2 jury that since that time you had never spent any time in
3 any institution or any jail or anything like that?

4 MR. NEAL: Your Honor, I object to misquoting the
5 evidence. I distinctly remember what this man said. He said
6 he had never been in jail as the result of any conviction.

7 MR. BERKE: He said he lived a model life and we
8 will get into that and it will be a conviction, Mr. Neal.

9 THE COURT: Proceed.

10 BY MR. BERKE:

11 Q Now, let's get down to more recent times. In
12 1955 didn't you, sir, serve a 30-day imprisonment in Baton
13 Rouge?

14 A You got one on me, sir. I don't remember. I
15 must -- I must have been asleep.

16 Q You don't remember assaulting one A. J. Colotta
17 and you received a 30-day sentence for it?

18 A If I may say -- your Honor, he -- no, sir, I did
19 not serve a 30-day sentence for it and I would appreciate --
20 nothing, though, I can't -- I did not, I certainly did not.

21 Q What did you get?

22 A I didn't say I got anything, you said it.

23 Q Well, were you convicted of that?

24 A I certainly was not.

25 Q You paid no fines?

1 A I imagine that on fighting, street fighting or
2 something I may have paid several fines, I am not sure of that.
3 Being in the business I was in you had to fight or get put
4 under trusteeship.

5 Q All right. In other words, this 25-dollar fine
6 or 30 days, whatever sentence you got, it didn't impress it-
7 self on your mind at all?

8 A It didn't happen, I didn't serve 30 days so it
9 certainly wouldn't impress my mind.

10 Q Well, do you remember Mr. A. J. Colotta?

11 A The name is familiar, yes, sir.

12 Q Well, what is it familiar with reference to what?

13 A I would imagine if it had been in that time it
14 would be in reference to some organization Mr. Hoffa had us
15 doing, so it's so many of them involved that I wouldn't know.
16 You could ask him probably and find better in detail what we
17 was organizing at that time.

18 Q So you say that everything that you got into
19 since 19 -- since you got out of the reformatory was of a
20 minor nature?

21 A It evidently was, sir, I didn't serve time for
22 it.

23 Q You still have a bunch of cases pending that you
24 are very much interested in and trying to get some help from
25 either the state of Louisiana or the United States Government?

1 A Sir?

2 Q Don't you?

3 A I am not interested in getting help. If I got
4 a charge against me all I am interested in is a fair trial.
5 I don't ask for any help, just ask for a fair trial.

6 Q Well, haven't you been getting some help?

7 A I don't know how you would say that, sir. I'd
8 hate to say when, if they have been giving me help -- I will
9 put it this way, I'd hate for them not to give me help.

10 Q All right, let's see now. In October, 1961,
11 October 24th to be exact, you were indicted for forgery and
12 the state of Louisiana hasn't yet brought that case to trial?

13 A That is the same charge, sir, on withdrawal card
14 that Mr. Hoffa sent Mr. Buffalino down to Baton Rouge on or
15 New Orleans on and told Mr. Williams, Bennett Williams, to
16 check it and they said there was nothing to it, it was a with-
17 drawal card issued daily by the dozens of the local union.

18 That was not forgery of anyone for any money or
19 anything, it was a document of the International. Their own
20 attorneys is the one that said there is nothing to it, they
21 handled it, they know more about it than I do.

22 Q Well, weren't you indicted for forgery by the
23 Grand Jury? Don't you know Mr. Hoffa doesn't have anything
24 to do with the Grand Jury of Baton Rouge, Louisiana?

25 A He had enough to do with that charge he sent Mr.

1 Buffalino in a secret meeting in New Orleans to check and
2 said there wasn't anything to it.

3 Q All right. Were you indicted in Baton Rouge,
4 Louisiana, for forgery? Can you answer this, sir?

5 A Not forgery of a person's name, no, of a with-
6 drawal card by the Senate group that was opposed to Mr. Hoffa.

7 Q Well, wasn't it a forgery of a man's name?

8 A No, sir, it wasn't.

9 Q Didn't you forge Mr. Frank Doughty (spelling)
10 D-o-u-g-h-t-y, forge his name to a card?

11 A No, sir.

12 Q Wasn't that what the charge was?

13 A No, sir, it was for forgery of a document, reported
14 to be a withdrawal card of the International Brotherhood of
15 Teamsters, Chauffeurs, Warehousemen, and Helpers.

16 Q What was the forgery then if it wasn't Frank
17 Doughty's name?

18 A It was a member of a group that was opposed to
19 Mr. Hoffa who Mr. Hoffa had sent into Baton Rouge on the
20 charge that he had filed against me under Mr. Hoffa's instruc-
21 tion.

22 Under the Constitution it says -- and may I quote
23 to the jury, your Honor, what it says so they will understand?

1 MR. BERKE: I think, if your Honor please, he's
2 just rambling on. If he would just--I don't want to cut him
3 off but I think if the Court would ask him to respond to the
4 question.

5 MR. NEAL: The questions are improper. But we
6 think he should be entitled to explain them anyway if the
7 Court is going to let him go into these charges.

8 THE COURT: You may explain.

9 A The withdrawal card is something the Constitution
10 says if the person isn't working at the trade he must be
11 issued a withdrawal card, you don't have any alternative.
12 The Constitution says you must issue the person a withdrawal
13 card; under the instructions of Mr. Hoffa this fellow had
14 been going to the Justice Department evidently, somewhere
15 with the government, the government trying to get me because
16 I was a Mr. Hoffa man. The withdrawal card we issued was
17 issued to a Mr. Frank Doughty under the instructions of the
18 executive board, not my instructions. I have the minutes of
19 the meeting that I can produce with the executive board of
20 the local union ordered me to issue the withdrawal card to
21 this individual.

22 We issued the withdrawal card under the sanction
23 of the International.

24 THE COURT: I believe you are--

25 MR. BERKE: (Interposing) If your Honor please,

1 if he is going into that I'd like to go into some of these
2 other matters.

3 THE COURT: Yes.

4 BY MR. BERKE:

5 Q Didn't you get a copy of the indictment and the
6 only thing I asked you, didn't that indictment charge you
7 with forging the name of Frank Doughty on the indictment?

8 A No, sir, it charged me with forging a document,
9 a document reportedly to be a withdrawal card bearing the
10 name of Frank Doughty, not of forging his name.

11 Q So you do know it was Frank Doughty's name who
12 was forged as far as the indictment was concerned?

13 A The indictment didn't say his name was forged,
14 sir, you have got it there, read it.

15 Q I only asked you if you remembered that that was
16 the charge.

17 A Yes, I remember that was the charge, the same
18 one that the International cleared me on.

19 Q Well, Mr. Partin, when I asked you that question
20 why didn't you answer it yes or no?

21 A Because you said--

22 Q (Interposing) If you knew it was--

23 A (Interposing) Could I answer?

24 THE COURT: I believe that is argumentative, Mr.
25 Berke.

MR. BERKE: I think your Honor is correct on that.

1 Q Now, shortly before these events here that took
2 place, didn't you have an interest in trying to get out of
3 a lot of serious trouble in order to try to do something for
4 the United States Government whether you were right or wrong?

5 A I certainly did not. I'm not interested in the
6 United States Government favoring me. I said I asked for a
7 fair and impartial hearing and that is all I asked for.

8 Q Did you think that you had to do what you claim
9 you did in order to get a fair trial?

10 A No, sir. That was not the motive behind what I
11 did. If you would like to know that I'll be happy to tell
12 you.

13 Q I will get to that in a few minutes, sir. I
14 certainly plan to ask you that. Now, May, 1962 is not so far
15 back now, is it? You asked me to come up to a little more
16 recent time.

17 A No, sir, I didn't ask you to come up to any times.
18 You can come up to any times you want.

19 Q You said ask me about something more recent and
20 I am being more specific.

21 A That's correct.

22 Q In May, 1962 you got in trouble for kidnapping
23 which is a non-bailable offense, that's right, isn't it?

24 A If I can qualify the answer, yes, sir.

25 Q Well, answer that first yes or no.

1 A I said, Yes, sir, didn't I?

2 Q All right. Now--

3 MR. NEAL: Just a moment, he said he wanted to
4 explain.

5 THE COURT: Yes, sir, permit him to explain.

6 MR. BERKE: If I can ask him one more question
7 and I think it will clear this up.

8 MR. NEAL: No, sir, he is entitled to explain.

9 THE COURT: He will be permitted to explain.

10 MR. BERKE: If Your Honor please, if he wants to
11 go into all these matters what the facts are then I want a
12 chance to go back to all these things that the Court has
13 already ruled I can't do.

14 MR. NEAL: He can't do that when it was brought
15 up by Mr. Berke.

16 MR. BERKE: Mr. Neal, I would appreciate being
17 heard out. This is at Mr. Neal's suggestion. This is at
18 the government's suggestion. They say they want him to
19 explain these charges. Now if he wants to explain them I
20 have no objection to it. But this is a two-edged sword, if
21 Your Honor please. If he wants to do that I want to go into
22 some of these other charges that he claims that he forgot
23 or conveniently forgot and I would like an opportunity to do
24 that.

25 THE COURT: Let's proceed.

1 MR. BERKE: I would like to lay the ground rules
2 now on it.

3 THE COURT: The ground rules, Mr. Berke, have
4 been laid by the courts over a period of about a thousand
5 years and I believe you are familiar with them. Let's
6 proceed.

7 BY MR. BERKE:

8 Q Now, Mr. Partin--

9 MR. NEAL: (Interposing) Just a moment, he is
10 entitled to an explanation and the Court has so said.

11 THE COURT: Well, if an explanation is necessary
12 to answer the question, he may be permitted to explain it.
13 If it is not necessary, all right.

14 THE WITNESS: I didn't get a chance to answer it,
15 sir.

16 THE COURT: Well, if you want to make any
17 necessary explanation to answer it truthfully, you may do so.

18 THE WITNESS: Yes, sir. It was not a case of
19 kidnapping for ransom and so forth. It was a case where my
20 best friend was involved in a family dispute. The husband
21 and wife separated. He took his children and went one place.
22 She took another man and went another way. They are back
23 together. They live together. The charges were dropped.

24 THE COURT: Well, I'm going to interrupt. That
25 is not responsive to the question.

1 THE WITNESS: Yes, sir.

2 MR. SILETS: May the answer be stricken and the
3 jury instructed to disregard it?

4 THE COURT: Yes, sir.

5 MR. NEAL: No, Your Honor, there is no kidnapping
6 charge pending, why should he go into a charge being brought
7 on a situation like that and the charges being dismissed
8 and the family squabble settled and that is the facts?

9 THE COURT: Gentlemen, strike the answer. The
10 Court is of the opinion it was not responsive to the question.

11 MR. HOOKER: Your Honor, is Your Honor striking
12 the part of the answer in which he said it was dismissed?
13 Certainly he has got a right to state that.

14 MR. BERKE: Just a minute, I will take the
15 responsibility to go ahead and let that answer go in. That
16 it was dismissed. And I'm going to show why it was dismissed.

17 THE COURT: I have ruled upon the matter,
18 gentlemen. Let's proceed.

19 BY MR. BERKE:

20 Q As a matter of fact, when you came back from
21 Nashville after your last trip to Nashville, and pursuant to
22 an agreement that you had with the state attorney general
23 and the United States, wasn't that a charge nolle prosequi
24 on December 12, 1963?

25 A I've never talked to the State Attorney General

1 in regard to the matter, sir.

2 Q Don't you know it was just dropped here about a
3 month ago?

4 A I know the lady signed a, a good friend of mine
5 that said he didn't want to prosecute several months, a year
6 ago, I don't know how long.

7 Q Actually it was dismissed here just six or seven
8 weeks before you came up here to testify?

9 A I don't think so. I think the lady withdrew
10 the charges months ago because I've been with them several
11 times since then.

12 Q When was this case nolle prosequi, now we're
13 getting into some modern things more recent, the events you
14 testified to about Nashville, when do you say it was dropped?

15 A It was supposed to have been dropped months ago.
16 Now when the courts actually acted on it, I don't know. The
17 lady give them a sworn affidavit and told me they were dropped
18 and as far as I knew they were dropped far back there.
19 Because as I say, we eat together that lady does, her and
20 my family.

21 Q Where were you on December 12, 1963?

22 A Where was I at?

23 Q Yes, sir.

24 A I was in Baton Rouge.

25 Q Where in Baton Rouge?

1 A I would imagine a variety of places because I
2 have a lot of territory to cover there.

3 Q Were you in court that day?

4 A In court?

5 Q Yes, sir. When this case was nolle prosequi?

6 A No, sir. As I said, I thought it had been
7 dropped months ago.

8 Q So some way, even in your absence, it was
9 arranged that this case was dismissed or nolle prosequi?

10 MR. HOOKER: We object to that, if Your Honor
11 please.

12 THE COURT: Sustain the objection.

13 BY MR. BERKE:

14 Q Now, is that all the trouble you were in even
15 since that date? Since the kidnapping charge?

16 MR. REDDY: May it please the Court, the rule is
17 that he specify.

18 THE COURT: All right.

19 MR. REDDY: Specify what charge hs is talking
20 about.

21 THE COURT: Sustain the objection.

22 BY MR. BERKE:

23 Q All right, weren't you indicted for perjury in
24 Baton Rouge, Louisiana?

25 A Sir, the charge on that was the same one that

1 you have.

2 Q Will you please answer me, sir, I think I am
3 entitled to that.

4 A I cannot answer you, yes or no, because you are
5 splitting up one charge and making two out of it.

6 Q Oh, you mean there were two charges?

7 A That is what you are doing.

8 Q I only asked you about one charge first. And
9 weren't you indicted for perjury? You know what perjury is,
10 don't you?

11 A I really do, sir.

12 Q What is perjury?

13 MR. REDDY: Well, I submit, may it please the
14 Court, he is arguing with the witness.

15 THE COURT: Sustain the objection.

16 BY MR. BERKE:

17 Q All right, were you indicted for perjury? I will
18 ask it again.

19 MR. REDDY: May it please the Court, the rule is
20 that he specify the date that he is talking about.

21 BY MR. BERKE:

22 Q All right, on January 21, 1963, Mr. Reddy.

23 MR. REDDY: All right.

24 THE WITNESS: Yes, sir.

25 MR. BERKE: Yes, sir.

1 MR. REDDY: That is the end of the matter. He
2 is telling you.

3 MR. BERKE: If Your Honor please--

4 THE COURT: (Interposing) Let's proceed
5 gentlemen. Let's refrain from any comment between counsel.
6 Mr. Reddy, you will not make remarks like that.

7 MR. REDDY: I was answering him, Your Honor.

8 THE COURT: Mr. Reddy, do not make such remarks.

9 MR. NEAL: Your Honor, this is the problem with
10 this kind of cross examination, the witness has no opportunity
11 to explain here regardless of what the circumstances might
12 be.

13 MR. HAGGERTY: Your Honor, I object to Mr. Neal
14 making a statement of this kind in the presence of the jury.
15 If he desires to make one he should ask the jury to be
16 excused.

17 THE COURT: I have advised you the Court is
18 attempting to give the broadest possible cross examination.
19 These matters will not be considered by the jury on any
20 issue unless it would be on the issue of credibility of the
21 witness.

22 MR. BERKE: Yes, Your Honor. Credibility is what
23 we're attacking.

24 BY MR. BERKE:

25 Q Now, Mr. Partin, when did you first claim that

1 you contacted any representative or official of the State of
2 Louisiana or the United States government in an effort to
3 work with them on this case?

4 A It was just several days before I came to Nashville.
5 As far as in reference to this case in Nashville like I told
6 you yesterday.

7 Q And that was the first contact that you had with
8 anybody about going up and trying to sit with these defendants
9 and try to funnel information whether it is true or not to
10 the government?

11 A I was not under instructions to go up and funnel
12 information and try to sit with them.

13 Q When was the first time, I want to pin this down,
14 sir, and it is important, when was the first time that you
15 had any discussion with any official of any government whether
16 it be state or the United States, with reference to working
17 out something about information which you will furnish to
18 them in Nashville?

19 A It was several days, as I told you, as I told the
20 jury yesterday, and you, it was several days prior to my
21 coming to Nashville.

22 Q Now, what is several days?

23 A It was just several days, sir. Two or three or
24 four prior to me coming. I don't know for sure.

25 Q So, it is somewhere, two or three or four days

1 before you went up there?

2 A I can't tie it down to the exact days but I said
3 it was a short time before I came up, yes, sir.

4 Q All right. Now, who did you talk to?

5 A Mr. Frank Grimsley.

6 Q Anybody else?

7 A Not on the Nashville matter. No, sir. As I said
8 before it was something not related to this matter that the
9 other was involved in.

10 Q Was anybody else present two or three or four
11 days before this Nashville case came up when you talked to
12 Mr. Grimsley?

13 A I believe a Mr. Daniels[✓] was present. I think so.
14 Now I'm not positive. I believe he was, sir.

15 Q All right, sir, where did you meet them?

16 A On the Nashville case? Is that what you are
17 saying?

18 Q Well, you met them, didn't you say, sir, you said
19 two, three or four days before, where did you meet them?

20 A Sir, I don't think you would want it come out
21 where I met them on the other. I asked you was you talking
22 about Nashville or what was you talking about?

23 Q Now, Mr. Partin--

24 THE COURT: Just respond to the question.

25 MR. BERKE: You respond to the questions.

1 THE WITNESS: Sir, I don't understand whether you
2 said just the Nashville case or what, sir. Would you
3 repeat the question?

4 BY MR. BERKE:

5 Q When was the first time that you ever talked to
6 Mr. Grimsley about information that you were to try to give
7 to the government whether it was true or false?

8 MR. NEAL: Your Honor, that is an unfair question.
9 We object to it about whether you give information true or
10 false.

11 THE COURT: Sustain the objection.

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1 Q When was the first time?

2 A Sir, I may have talked to Mr. Grimsley once before
3 then maybe in person, maybe on the phone, but in Atlanta I
4 talked to Mr. Grimsley and I am not positive of that conversa-
5 tion if the Nashville case came up then, it may have come up
6 on a phone call later.

7 Q When before that time -- now, I have already asked
8 you when the first time you saw Grimsley, you said two or
9 three or four days. Now, you say you saw him in Atlanta
10 before that time?

11 A That was just prior to me coming up here, I think.

12 Q So that would be about a day before you came up
13 to Nashville?

14 A No, sir, I don't think it was that close, no, sir.

15 Q Well, it was after you had met him in Louisiana,
16 right?

17 A Yes, sir, uh-hmm.

18 Q All right. Now, you met him in Louisiana two,
19 three, or four days before. When do you say now you met him
20 from that time up until the second meeting you had with him?

21 A If it was in regard to the -- I don't think I met
22 him in regard the Nashville matter -- I don't think I met him
23 but once in person, I may have talked to him on two or three
24 times.

25 Q Regardless of whether it's on any matter, sir.

1 MR. NEAL: Your Honor, if it's only something not in
2 regard to the Nashville matter, is it relevant? We object to
3 any meeting any time anywhere that is not in regard to the
4 Nashville matter.

5 MR. BERKE: If your Honor please, I think --

6 THE COURT: (Interposing) Well, let's proceed.

7 BY MR. BERKE:

8 Q All right. Answer the question.

9 A In regard to what I met him for or when I met him?

10 Q In regards to when you met him on any reason at
11 all.

12 MR. NEAL: Talking about just the time, now?

13 Q That's right.

14 MR. NEAL: May I --

15 A (Interposing) It was probably a couple of weeks,
16 I say probably because it was a short time in between.

17 Q Didn't you tell the jury just a while ago that the
18 first time that you met Mr. Grimsley was two, three or four
19 days before the Nashville hearing and that you saw him the
20 second time just a day or two before the Nashville hearing?

21 A I think that the jury understood me to say on
22 the Nashville matter, sir.

23 Q Well, you answer my question. Didn't you make
24 those answers?

25 A On the Nashville matter, yes, sir, I certainly did.

1 Q All right. So you saw him twice on the Nash
2 matter, the first one about two, three or four days before
3 the Nashville case come up, and then once a day or two before
4 the Nashville case came up, is that right? Am I asking you
5 correctly?

6 A The best of my recollection I met him a couple of
7 times prior to coming up and I met him prior to that was on
8 something not related at all to the Nashville case.

9 Q When was that?

10 A Several days --

11 MR. NEAL: (Interposing) He answered that two
12 or three weeks before the Nashville matter, I think.

13 MR. BERKE: If your Honor please, I would appre-
14 ciate it --

15 THE COURT: (Interposing) Yes, let's see if you
16 can get your question a little more specific, Mr. Berke, they
17 are rather --

18 BY MR. BERKE:

19 Q (Interposing) When did you first meet Mr. Grims-
20 ley for any reason whatever from the day you were born up
21 until the first time that you met Mr. Grimsley?

22 A I would imagine it was two or three weeks prior
23 to this other, I am just guessing at the approximate time,
24 give or take a week.

25 Q Two or three weeks before the Nashville hearing

1 and that date we are talking was August 22nd, 1962?

2 A No, sir. I said before the meeting on the Nash-
3 ville matter.

4 Q So that would be some two or three weeks before,
5 two or three days before the Nashville hearing? Am I correct
6 there now?

7 A I would guess about two or three weeks, as I said,
8 it could be a week, give or take one way or another.

9 Q Now, at that time why did you go there or who
10 invited you there?

11 MR. NEAL: Your Honor, object to this and if --

12 THE COURT: (Interposing) He is asking about any
13 matter pertaining to the Nashville case. I will allow him to
14 answer it. Is your question directed about meeting with him
15 about anything pertaining to Nashville?

16 MR. BERKE: Because at that time he was under a
17 charge by the United States Government and I think we would
18 be entitled to go into that.

19 THE COURT: Overruled.

20 MR. NEAL: We are not trying to exclude evidence
21 from the Court.

22 MR. BRANSTETTER: I object to Mr. Neal talking
23 about what he is going to do about the charges or some other
24 matter. This witness, may it please the Court, cannot, as I
25 understand the law --

1 THE COURT: (Interposing) I am overruling the
2 objection.

3 MR. NEAL: Then, your Honor, I think the jury
4 should be excused momentarily.

5 (Thereupon, the jury and four alternates were
6 excluded from the courtroom and the following proceedings
7 were had, to-wit:)

8 MR. BERKE: If your Honor please, I would like
9 for the witness to be excused during this argument.

10 THE COURT: All right. Yes.

11 (Witness temporarily excused.)

12 MR. NEAL: Your Honor, I am trying to protect
13 everyone here from something that is very prejudicial to these
14 defendants, and I will go further and try to protect the
15 defendants by asking for an in chambers hearing.

16 THE COURT: All right. Very well. I think it
17 would be easier, gentlemen, rather than try to remove the
18 court and all that we ask that the courtroom be vacated at
19 this time by all persons other than the parties and their
20 counsel and the court officers.

21 THE MARSHAL: Everyone leave the courtroom
22 quietly, please.

23 MARSHAL DISSPAYNE: Am I excluded from the court-
24 room?

25 THE COURT: Just a moment.

1 MARSHAL DISSPAYNE: Your Honor.

2 THE COURT: Just a moment.

3 (Thereupon, the persons referred to above were
4 excluded from the courtroom.)

5 THE COURT: Now, gentlemen, is everyone out of
6 the courtroom other than parties or counsel or officers of
7 the court?

8 MR. HAGGERTY: I raise a question, Your Honor,
9 may I ask permission to have Mr. Buffalino stay in the court-
10 room? I don't know if Marshal Disspayne knows that or not.
11 Your Honor said he may stay.

12 THE COURT: Mr. Buffalino?

13 MR. HAGGERTY: Yes, I presume he may stay. The
14 government counsel they asked permission to stay are in the
15 courtroom.

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1 Reporter's Note:

2 These transcript pages are transcribed minutes
3 of the secret session and by order of the Court are sealed to
4 be opened only on the orders of the Court.

5 Sealed in the envelope together with the notes
6 of the reporters are seven copies for the Defendant Hoffa,
7 three copies for the United States of America, one copy for
8 the Court, one copy for the Clerk, two reporter office file
9 copies.

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1 (Thereupon, after recess, court was in session.)

2 THE COURT: May we have the jury return?

3 (Thereupon, the jury of 12 and 4 alternates were
4 brought into the courtroom and the following proceedings
5 were had to-wit:)

6 THE COURT: May we have the witness return?

7 Ladies and gentlemen, the response of the witness to the
8 question asked to him shortly before we adjourned by Mr.
9 Berke--

10 (Thereupon, the witness Partin returned to the
11 courtroom.)

12 THE COURT: (Continuing) --about his conversation
13 with a Mr. Grimsley was not responsive to the question and
14 should, therefore, not be considered by the jury and will
15 be disregarded.

16 FURTHER CROSS EXAMINATION

17 BY MR. BERKE:

18 Q Mr. Partin, I believe before we had the recess
19 you said that you went to Mr. Grimsley's office in Atlanta,
20 Georgia. Is that correct?

21 A No, sir, I didn't.

22 Q Well, did you go there to Mr. Grimsley's office
23 in Atlanta?

24 A No, I did not.

25 Q You say you did not?

1 A I said I did not, sir.

2 Q Well, did you go to Atlanta?

3 A Yes, I did.

4 Q Were did you meet Mr. Grimsley in Atlanta? ✓

5 A I believe it was in a hotel room, sir.

6 Q Was that the hotel where you were staying or
7 where he was staying?

8 A Well, I didn't stay there. We didn't stay all
9 day. Neither one of us stayed. We had a room but neither
10 one of us stayed.

11 Q What arrangements did you have about meeting him?
12 How did you know where to find Mr. Grimsley?

13 A I would imagine I called him on the telephone
14 would be the logical way to do it.

15 Q Did you know Mr. Grimsley before that time?

16 A Yes, I did.

17 Q When did you first meet him?

18 A I can't recall in days, sir. I would say anywhere
19 from 30 to 60 days maybe.

20 Q Well, where did you meet him?

21 A The first time I don't know, I don't remember
22 whether it was in the hotel or whether it was in the room or
23 where it was at on the first meeting.

24 Q What city did you meet him in?

25 A Baton Rouge.

1 MR. SILETS: What was that answer?

2 THE COURT: Baton Rouge.

3 MR. SILETS: May he be directed to speak up, Your
4 Honor?

5 THE COURT: All right, speak up, Mr. Partin.

6 THE WITNESS: In Baton Rouge, sir.

7 BY MR. BERKE:

8 Q How long before this trip that you made to
9 Atlanta was it that you met him in Baton Rouge?

10 A I couldn't be positive of it, sir. As I said
11 it was about sixty day acquaintance. Thirty days. Give or
12 take a few days either way. I'm just guessing at it now.
13 If there is any different information I would be glad to
14 admit it because I just don't know.

15 Q Sixty or thirty day period, give or take one or
16 two days?

17 A I would guess that sir. I'm not trying to evade
18 your question but I can't distinctly remember exactly what
19 days it was.

20 Q Well, is it thirty or sixty days? That is give
21 or take thirty days?

22 A I said I didn't know.

23 Q I can't hear you.

24 A I said I don't know exactly how many days.

25 MR. BRANSTETTER: May it please the Court, we

1 can't hear the witness' response at all.

2 THE COURT: Try to be quiet in the courtroom.

3 There is quite a bit of noise in the courtroom.

4 BY MR. BERKE:

5 Q Didn't you say, didn't I ask you before when was
6 the first time you met Mr. Grimsley and you said in Atlanta?

7 A I don't believe I said in Atlanta, sir. I said
8 in regard to the Nashville trial as far as discussing the
9 Nashville trial I'm sure that was the first meeting, sir.

10 Q Now you say that the discussion you had in
11 Atlanta the first time was with regard to the Nashville
12 trial.

13 A Sir, we really didn't have much of a discussion.
14 I would have to qualify it, sir, because the meeting didn't
15 come off as was supposed to. That is what I want to tell
16 you. It was a meeting as such, there was none.

17 Q The question I'm asking you, didn't you just tell
18 the jury that the first time you had any discussion with
19 Mr. Grimsley with reference to the Nashville trial was in
20 Atlanta, Georgia? Didn't you just tell us that?

21 A I certainly did, sir. I said in detail and
22 enough to--

23 Q All right. Now--

24 A Could I further answer on that, sir? I said in
25 detail.

1 BY MR. BERKE:

2 Q You say in detail?

3 A That is what I said, sir.

4 Q Did you say that before or didn't you just now
5 add in detail?

6 A Well, sir, it may have been a thousand people
7 that mentioned that Mr. Hoffa was going to be tried. Whether
8 Mr. Grimsley is one of them or not, I don't know.

9 Q Well, did Mr. Grimsley ever tell you that Mr.
10 Hoffa was going to be tried? Is that the first information
11 you had about it?

12 A I read it, sir.

13 Q What has a thousand people got to do with this?

14 A I don't know but I guess you could ask them, any
15 of them know it out in the audience probably would.

16 Q I'm asking you when you first talked to Mr.
17 Grimsley about Mr. Hoffa's case.

18 A In enough detail to consider it being talking
19 about it unless it was casual remark was in Atlanta, Georgia.

20 Q All right. When did you first talk to Mr. Grimsley
21 casually or any other way?

22 A I don't know if I talked to him. I said if I did
23 it would be in a casual remark such as Mr. Hoffa being tried
24 such as anyone else. There were no details at all worked
25 out as far as the time or anything else with reference to

1 what to do at the trial on that.

2 Q Well, did you discuss anything at all with Mr.
3 Grimsley before your Nashville--, before your Atlanta trip
4 in Baton Rouge?

5 A Oh, it was quite possible, yes, sir.

6 Q Do you remember what it was?

7 A Yes, sir.

8 Q Was it about the Hoffa case?

9 A Sir, I told you it was not in enough detail to
10 even remember it if it was.

11 Q Now you pretty well knew in detail, didn't you,
12 Mr. Partin, when Mr. Hooker went through every detailed
13 conversation day by day, place by place, time by time,
14 witness by witness, didn't you?

15 A I'm sure I missed a lot of it, but if you do the
16 same thing he did and furnish me with a telephone call to
17 Newark, New Jersey I could tell you exactly when it was
18 discussed the same as I did him when Mr. Hoffa invited me
19 to Nashville because that is the first time I knew I was
20 going to Nashville. Certainly I couldn't set up something
21 in Nashville not knowing I was going there.

22 Q All right, before you discussed this Hoffa case
23 you knew you were going to Nashville? Am I right now?
24 I'm trying to follow you, Mr. Partin.

25 A I'm trying to follow you, sir. If you will

12A-7 . Partin - Cross

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1 re-ask the question.

2 Q Will the reporter please ask the question? I
3 thought it was clear. Ask the question, Mr. Reporter?

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1 THE REPORTER: "Question: All right. Before you
2 discussed this Hoffa case you knew you were going to Nashville,
3 am I right now? I am trying to follow you, Mr. Partin.

4 "Answer: I am trying to follow you, sir. If you
5 will re-ask the question.

6 "Well, I would have to qualify any answer if I
7 did answer it yes or no."

8 BY MR. BERKE:

9 Q You mean your answer to that question is yes and
10 no?

11 A I said I would have to qualify it in order to
12 say yes or no.

13 Q Well, let me ask you very clearly, at the time
14 you first talked to Mr. Grimsley did you know that you were
15 already going to Nashville?

16 A No, sir, I did not.

17 Q At the time you talked to Mr. Grimsley did you
18 discuss the Hoffa case with him the first time you met him?

19 A I doubt it, sir. It is possible, but not enough
20 to -- except to say that he is being tried. I have repeated
21 that.

22 Q Now, when Mr. Grimsley came down to Baton Rouge,
23 where were you?

24 A I was in an office. I am not positive, I was in
25 an office or either in a motel, I am not sure, I am not

1 positive, sir.

2 Q Or you could have been in jail?

3 A I wasn't in jail when I talked to him, no, sir.

4 Q What is that?

5 A I wasn't in a jail when I talked to him, no, sir.

6 Q Who introduced you to Mr. Grimsley?

7 A I believe Mr. Daniels did, I believe.

8 Q Well, do you mean you don't know?

9 A I am positive, I guess, that Mr. Daniels did,
10 I am saying positive, as close as I could be to being
11 positive.

12 Q Now, you believe first and now you are positive.
13 Which is correct?

14 A I think Mr. Daniels did, sir.

15 Q How long have you known Mr. Daniels?

16 A Oh, I have known him on and off for quite a while.

17 Q He is an investigator for the District Attorney's
18 office in Louisiana, is he not?

19 A I think his title covers that. When I knew him
20 was when he ran a cafe or a restaurant, the first time I knew
21 him.

22 Q When you say Mr. Daniels got you in touch with
23 him, isn't it true that he was an investigator for the
24 Attorney General's office?

25 A I don't know what his title was, sir. I am sure

1 that he was working for him. Not the Attorney General, no,
2 sir, he certainly wasn't.

3 Q For the prosecutor's office?

4 A Which prosecutor?

5 Q Well, do you know -- you know who he was?

6 A Well, I know he wasn't an investigator for the
7 Attorney General.

8 Q Well, if you know he wasn't that, what was he?

9 A I couldn't swear to his title, sir, you would have
10 to ask him what his title is.

11 Q Well, if you don't know his title, how do you
12 know his title wasn't investigator?

13 A I didn't say it wasn't or was, I said he did not
14 work for the Attorney General's office.

15 Q Well, who did he work for?

16 A This District Attorney of Baton Rouge, not the
17 Attorney General. There is a distinct difference.

18 Q What is the difference?

19 A Well, one of them is a state attorney general
20 the other one is a parish district attorney, it's a lot of
21 difference.

22 Q I see.

23 A About 54 parishes difference.

24 Q Well, why didn't you tell the jury that when I
25 asked you instead of bantering with me about that question?

1 A I am not bantering, you just kept --

2 THE COURT: (Interposing) All right. The Court
3 has ruled on that.

4 Q Mr. Daniels was the same man that was instrumental
5 in investigating the several charges that were pending against
6 you at that time when you talked to Mr. Grimsley?

7 A I wouldn't know, you would have to ask him that.

8 Q Do you mean at the time that you were introduced
9 to Mr. Grimsley you don't know whether you had any charges
10 pending against you?

11 A I didn't say that, that's not what you asked.

12 Q Well, did you have any charges pending against
13 you when Mr. Daniels got you in touch with Mr. Grimsley?

14 A For two days, yes, sir, certainly did, two days
15 I have been telling the jury and you that.

16 Q That what now?

17 A That I did have.

18 Q You did have charges pending against you?

19 A I certainly did.

20 Q And that Mr. Daniels was the investigator
21 interested in those charges against you?

22 A I said you would have to ask him. I imagine they
23 have more than one investigator.

24 Q Now, you said that Mr. Daniels got you in touch
25 with Mr. Grimsley.

1 A Uh-hmm.

2 Q And the first time you met him was in Baton Rouge?

3 A Uh-hmm, yes, sir.

4 Q And when do you fix that time?

5 A I have told you, sir, several times, several times
6 I have answered you on that.

7 Q You mean you met him several times in Baton Rouge,
8 Louisiana?

9 A I didn't say that. I said I have told you several
10 times of the approximate time I met him.

11 Q All right. Tell me again. I don't have it yet.
12 The first time that you met him in Baton Rouge, Louisiana, or
13 anywheres in the United States or its territories?

14 A I made the guess, sir, 30-60 days, give or take
15 something. I wasn't positive of the time, the amount of time
16 involved in it.

17 Q Was that the first time that you ever knew of Mr.
18 Grimsley?

19 A The first time I have ever seen the gentleman,
20 the first time I have ever talked to him, as far as I know.

21 Q Who was present, who was present at the time you
22 first talked with him?

23 A Mr. Daniels, Mr. Grimsley, Mr. Pitcher.

24 Q Now, identify him, who is he?

25 A He is a District Attorney and I am not positive

1 who the other two gentlemen were.

2 Q The other two gentlemen come in with Mr. Grimsley?

3 A Not that I know of, sir.

4 MR. BROWN: Your Honor.

5 Q Well, did you call --

6 MR. BROWN: (Interposing) They didn't hear who
7 he said this man was. May we ask him to repeat the name,
8 please.

9 THE COURT: Mr. Grimsley, Mr. Pitcher, the
10 District Attorney General.

11 MR. BROWN: That's the one, Pitcher?

12 THE WITNESS: Pitcher.

13 THE COURT: Pitcher.

14 THE WITNESS: (Spelling) P-i-t-c-h-e-r.

15 MR. BERKE: The Attorney General.

16 BY MR. BERKE:

17 Q Did you call Mr. Daniels?

18 A No, sir.

19 Q To arrange this meeting?

20 A No, sir, I did not.

21 Q Did Mr. Daniels call you?

22 A No, sir. He didn't.

23 Q Where did you meet?

24 A I answered you a while ago on that. You asked me
25 the first time, I said either in an office, his office or a

1 hotel, I think it was in his office.

2 Q In whose office?

3 A Mr. Daniels' or Mr. Pitcher's, I am not sure which.

4 Q Did you call for an appointment?

5 A No, I did not.

6 Q So you went up there first, you made the approach
7 to the Attorney General's office?

8 A I have never talked to the Attorney General's
9 office, sir.

10 Q District Attorney's office?

11 A No, sir, I don't think I was the one that went
12 to him first, no, sir.

13 Q Well, did they go to you first?

14 A No, sir, they did not.

15 Q Well, if they didn't go to you first, you didn't
16 go to them first, who is first?

17 A I think it gets in an area where I shouldn't
18 answer you first, I mean.

19 Q Well, this was in Baton Rouge, Louisiana, wasn't
20 it?

21 A Yes, sir, it certainly was.

22 Q Well, didn't somebody come to somebody first?

23 A I think a friend of mine arranged a meeting, but
24 I am not positive, I don't know. You would have to ask the
25 ones, they haven't told me who called them, I don't know.

1 Q Well, what friend arranged this meeting?

2 A I don't know if he arranged it or not, Mr.

3 Herman Thompson may have told him about it and someone else
4 talked about it, I am not in detail who arranged the meeting,
5 they would have to tell you that.

6 Q Is your memory faulty about this? This is of a
7 recent event.

8 A It's not faulty, no, sir, but I do not know who
9 arranged it because they did not tell me who arranged it.
10 If he had told me I would have remembered.

11 Q Well, do you remember who told you to go to the
12 District Attorney's office?

13 A I believe Mr. Herman Thompson is the one that
14 discussed it with me, I am not positive, but I believe he was.

15 Q Is this something you are not sure about also?

16 A Well, I said to the best of my knowledge it was
17 Mr. Herman Thompson.

18 Q Now, who is he?

19 A I don't know what his duties are now. He used to
20 be with the sheriff's office.

21 Q Well, wasn't he a law enforcement officer then?

22 A Yes, sir, also a close friend of mine.

23 Q And when did he first come to see you?

24 A It wasn't too long prior to that meeting.

25 Q When?

1 A I would say a week or two.

2 Q A week or two before what?

3 A What you asked me.

4 Q Well, what did I ask you?

5 A Before the meeting.

6 Q A week or two before the meeting between you and
7 the District Attorney and Mr. Grimsley and Mr. Daniels and
8 Mr. Pitcher, is that what you are talking about?

End 13 9 A Yes, sir, that's right.
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1 Q All right, now, when do you place that? What
2 month do you place that in?

3 MR. NEAL: Your Honor, he has asked and answered
4 that two or three times. Thirty or sixty days give or take
5 a few days in a meeting. I am sure that everyone in the
6 court--

7 THE COURT: Seems as though we have considered
8 it. Proceed.

9 THE WITNESS: As I told you before, sir, 30 or
10 60 days, give or take a few days. I am not positive.

11 BY MR. BERKE:

12 Q That is 30 or 60 days from what?

13 A From the Nashville trial, that talk on the Nash-
14 ville trial.

15 Q So then that would have to have been in September,
16 either the early or latter part of September, is that right?
17 Or possibly the latter part of August?

18 A That sounds about right, yes, sir.

19 Q Of 1962?

20 A Yes.

21 Q Now, at that time you were in quite a pack of
22 trouble, weren't you?

23 A In my opinion, no, sir.

24 Q Weren't you indicted and I think Mr. Hooker
25 asked you about that himself, on a 26-count indictment charge

1 in stealing, embezzlement, 13 counts for stealing and
2 embezzlement, and defrauding the union funds, and 13 counts
3 for failing to report it, 26 counts?

4 A I think I said that was the same charge I was
5 cleared on by Mr. Hoffa. I believe that is the way I answered
6 it.

7 Q I know you said that but weren't you indicted in
8 the United States District Court?

9 A I think so.

10 Q Weren't you interested in that case?

11 A Why certainly, anyone would be interested in it.

12 MR. SILETS: What was that answer? I didn't
13 hear that, your Honor.

14 THE WITNESS: I said certainly, anyone would be
15 interested in it.

16 MR. SILETS: No. That isn't the answer. Would
17 the reporter please repeat it?

18 MR. BERKE: Read the answer.

19 (Thereupon, the reporter read back as follows:)

20 "Answer: I think I said that was the same charge
21 I was cleared on by Mr. Hoffa. I believe that is the way I
22 answered it.

23 "Question: I know you said that but weren't you
24 indicted in the United States District Court?

25 "Answer: I think so.

1 "Question: Weren't you interested in that case?

2 "Answer: Why, certainly, anyone would be
3 interested in it."

4 MR. SILETS: Thank you very much, your Honor.

5 BY MR. BERKE:

6 Q In fact, you were interested to the extent that
7 you had to post a \$50,000 bond, didn't you?

8 A Yes, sir, one that Mr. Hoffa had withdrawn that
9 he put up.

10 Q Now, that indictment was returned on July 10,
11 1962, wasn't it?

12 A Approximately that time, I guess, yes, sir.

13 Q Now, I will ask you, if it isn't true that during
14 the period of the meeting that you had with the District
15 Attorney, Mr. Grimsley, Mr. Daniels, and other gentlemen
16 that you were then under investigation and were indicted for
17 forgery on September--excuse me, this is a different charge,
18 of kidnapping on September 7, 1962?

19 A I believe I have answered that already to the
20 people two or three days in a row.

21 Q Now, that was at the time or at about the time
22 that you had talked to Mr. Grimsley first about the Hoffa
23 matter?

24 A Well, it was right after I came to New York and
25 the meeting with Mr. Hoffa I was under indictment when I met

1 him there. So if he checks his hotel records at the New
2 Yorker Hotel I was there with him at that time.

3 Q Then at the time you talked to Mr. Grimsley then
4 you said you were already under a kidnapping indictment?

5 A I would think I was, yes, sir.

6 Q Now, if kidnapping is not aailable offense,
7 defense, who, if it wasn't the government or the State of
8 Louisiana or the District Attorney that arranged for you to
9 get out on bond on that charge that does not allow bond?

10 MR. REDDY: We object to that, may it please
11 the Court. He is arguing with the witness.

12 THE COURT: Sustain your objection.

13 BY MR. BERKE:

14 Q You were permitted to make bond on that charge
15 on a non-bailable offense?

16 A Oh, yes, sir, \$5,000.

17 Q Of course, you had already talked to the District
18 Attorney and Mr. Daniels before this indictment was returned?

19 THE COURT: You will disregard the portion of
20 the questions stating that it was a non-bailable offense,
21 ladies and gentlemen. Restate your question.

22 BY MR. BERKE:

23 Q At the time you first talked, I will let you
24 answer it, at the time you first talked to Grimsley, give
25 us the different charges and investigations you were under,

1 the amount of pressure you were under?

2 A These charges, the federal charges is the main
3 ones.

4 Q Well, give us some that are not main ones.
5 Incidental ones like kidnapping. What others?

6 A I think the withdrawal card.

7 Q That is the forgery?

8 A The withdrawal card.

9 Q The indictment?

10 A Withdrawal card.

11 Q Now, what other charges?

12 A At that time I believe that was all at that time.

13 Q Did you have any civil suits pending against you?

14 A Oh, yes, sir.

15 Q You had civil suits pending against you for
16 misappropriation of the very funds about which Mr. Hooker
17 talked about, didn't you?

18 A Same charge.

19 Q Same charge?

20 A Same charge.

21 Q And you were sued for some \$200,000 and you were
22 interested in that, weren't you, from a financial standpoint?

23 A I don't think the government would have anything
24 to do with that, sir.

25 MR. NEAL: Your Honor, aren't we going pretty

1 far afield in this matter?

2 THE COURT: Yes, sir, going pretty far afield.

3 MR. NEAL: We object to the question based on
4 civil suits.

5 THE COURT: Yes, sir. Proceed.

6 BY MR. BERKE:

7 Q Now, in September, 1962, you were relieved of
8 your duties as officer of the International Union, were you
9 not?

10 A No, sir, I was not.

11 Q Weren't you enjoined by the Federal Court from
12 having to do with any of the cash funds after you were
13 indicted by the government?

14 A I was not.

15 Q And wasn't your source of money cut off at that
16 time when the judge issued an injunction against you from
17 disbursing funds?

18 A He did not issue an injunction, sir.

19 Q Weren't you enjoined by the Court on September
20 6, 1962?

21 A No, sir.

22 Q Who were you enjoined by?

23 A Myself because I was under indictment. Voluntary.

24 Q Wasn't an order entered enjoining you?

25 A I voluntarily, sir, surrendered the financial

14 - 7 •

Partin - Cross

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1 responsibility until the thing was cleared up, voluntarily.

2 Q Then you were under injunction because an order
3 had been entered by the Court enjoining you in this respect?

4 A I have never seen it if it has. I volunteered
5 it myself until the charges were cleared up, voluntarily.

6 There is a difference.

End Tk 14 7
Tk 14A fls.

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1 Q You don't deny then that there was an injunction
2 to keep you away from the cash funds?

3 A I don't think it was, sir, because I went in and
4 made a voluntary agreement to the thing. If it was I am not
5 aware of it. I will put it that way. I went and told my
6 attorneys that it was there.

7 Q In addition to that you were under investigation
8 by the United States Government for smuggling guns to Castro
9 in Cuba?

10 A That is a -- I can't say what it is, sir. It is
11 wrong. Incorrect.

12 THE COURT: Ladies and gentlemen, strike that.
13 Ladies and gentlemen, disregard that question and that answer.
14 That has nothing to do with this case.

15 MR. BERKE: If your Honor please, may we respect-
16 fully submit to the Court that we are trying to get to the
17 pressure --

18 THE COURT: (Interposing) Let's stay a little
19 closer to the matter of conviction. The matter of repeating
20 or stating charges is not a proper method of cross examining
21 the witness.

22 MR. SILETS: Your Honor, may it please the Court,
23 I think the very issue here is that this man --

24 THE COURT: (Interposing) I have ruled upon the
25 matter, Mr. Silets. Let's move along, Mr. Berke. State any

1 questions you think proper.

2 BY MR. BERKE:

3 Q Now, in September 1962, do you remember any other
4 little incidents or minor things that you might have had
5 pressure on you by the courts, either the state or the United
6 States?

7 A No, sir, not without it was related to union
8 business and the pressure would have been from Mr. Hoffa on
9 that.

10 Q Well, let's exclude union business. Let's stick
11 to criminal charges that might be pressed against you.

12 A All right.

13 Q Now, is there any other little things now that
14 you have forgotten?

15 A Not unless it was connected with union activities,
16 no, sir.

17 Q Do you mean if it is not connected with union
18 activities it has been erased from your mind?

19 A Well, wasn't anything to erase.

20 Q I can't hear you.

21 A I said it wasn't anything to erase as far as the
22 charges you are talking about in Baton Rouge?

23 Q I am talking about anywhere in the United States,
24 in September 1962, right at the crucial period.

25 A I don't remember, no, sir.

1 Q You don't remember?

2 A No, sir.

3 Q So that if anything happened it had to be some-
4 thing pretty small, is that right?

5 A If it was anything other than what you brought
6 out it would, yes, sir.

7 Q Something small like manslaughter, killing a
8 serviceman with an automobile and leaving the scene of an
9 accident, isn't that true?

10 A There was a charge, yes, sir.

11 Q Yes, sir. And that is that little thing that you
12 forgot about, isn't it?

13 A I haven't forgot it, no, sir.

14 Q No, sir, and you have a suit pending involving
15 a lot of money as a result of that, don't you?

16 A I believe Mr. Hoffa is involved in the same suit,
17 sir.

End 14a
15 fls

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1 Q You were driving the automobile, though, weren't
2 you?

3 A I didn't say that, sir, you said it.

4 Q Well, were you driving the automobile?

5 A I believe with a charge pending against me I
6 don't think I would have to answer you on that, sir. I would
7 like to get the court to rule on it.

8 Q I am asking you.

9 THE COURT: Well.

10 BY MR. BERKE:

11 Q Do you want to take the Fifth Amendment on that?

12 A Certainly not.

13 Q Well--

14 THE COURT: The witness is not required to answer
15 any question that might in any way tend to incriminate
16 himself but other than that he would be required to respond.

17 BY MR. BERKE:

18 Q Answer that question, sir.

19 A I can't answer it under those conditions, sir.

20 Q Were you driving that automobile that killed
21 that service man?

22 A I am not going to answer that if I have a charge
23 pending on me, sir. You can stand there all day. I have
24 never admitted I was, I will put it that way.

25 Q Well, do you refuse to answer that question?

- 1 A I certainly do.
- 2 Q But you do now remember that you were indicted
- 3 by the Grand Jury on it?
- 4 A Oh, yes.
- 5 Q And you know it is a serious matter, don't you?
- 6 A Not unless you are convicted, sir, it isn't.
- 7 Q But you know that you have a serious matter
- 8 pending against you, don't you?
- 9 A I didn't think so, evidently you do.
- 10 Q You knew you were charged with leaving the scene
- 11 of an accident and leaving a service man lying dead, didn't
- 12 you?
- 13 A That is what you say, sir.
- 14 Q Well, you knew you were charged with it, don't
- 15 you?
- 16 A Oh, yes.
- 17 Q Do you consider that a serious charge?
- 18 A If you didn't commit the crime I don't.
- 19 Q I am asking you, do you consider it in your own
- 20 mind?
- 21 A I say--
- 22 Q (Interposing) As a serious charge.
- 23 A I said if you didn't commit the crime I didn't.
- 24 MR. BERKE: If Your Honor please, I would like
- 25 for the Court to instruct this witness to answer the question.

1 MR. NEAL: Your Honor, I think that this is, of
2 course, objectionable cross examination, Your Honor has
3 recognized. We don't want to--

4 THE COURT: (Interposing) I believe he has
5 answered the question. Let's move along.

6 BY MR. BERKE:

7 Q When did you tell Mr. Grimsley that you were
8 invited or was going to be at the Nashville trial?

9 A Whatever the day of the call was from Mr. Hoffa
10 to me from Newark, New Jersey, you can take that call and
11 get the exact date because that's the exact day I knew I was
12 going to be in Nashville, Tennessee.

13 Q Up until that time there was no necessity for
14 discussing the Hoffa trial until you knew you were going to
15 be there, right?

16 A Well, I wouldn't think it would be any more than
17 just a generality discussion of it.

18 Q Just street discussion that there was a case
19 coming up and that is all?

20 A Uh-hmm.

21 Q No talk about giving any information to anybody
22 or trying to do anything right or wrong, was there?

23 A No, sir, there wasn't.

24 Q So you say that the discussion with Mr. Grimsley
25 was after you found out that you were going to be in Nashville?

1 A As far as the discussion of the method, I was
2 supposed to operate or what I was supposed to do or anything
3 around that.

4 Q All right. Now, Mr. Partin, you have already
5 told us that you discussed in detail in Atlanta, Georgia,
6 with Mr. Grimsley, about the Nashville Hoffa case didn't
7 you?

8 A I did not say that.

9 Q All right.

10 A You said it.

11 Q All right. Tell us again.

12 A I said we didn't get in a detailed discussion
13 because one of the parties was supposed to have come didn't
14 show up.

15 Q Mr. Partin, didn't you tell the jury that the
16 first time that you went in to this Hoffa case of Nashville
17 into any detail was when you saw Mr. Grimsley in Atlanta?

18 A No, sir, I said it was went into detail at all
19 but we didn't get to talk about the thing as far as detail
20 because we hadn't got to talk, in fact, have to back up, the
21 majority part of the meeting was for something else.

22 Q Well, the first time that you really got into
23 the Nashville Hoffa case was in Atlanta, if you say it's
24 not, you say you didn't testify that, you may answer it any
25 way you wish.

1 A In the detail, that was answered in, as I said,
2 the meeting was primarily set up for another purpose, not
3 Nashville trial.

4 Q But you did discuss a lot of aspects, whether it
5 be in detail or not, a lot of aspects of the Nashville Hoffa
6 trial in Atlanta, Georgia?

7 A Not any more than I would discuss with anyone at
8 that time not knowing I was going there.

9 Q Didn't you also tell the jury awhile ago that
10 you didn't talk to Mr. Grimsley about the Hoffa case or any
11 details, whether it be in great detail or less, until after
12 you were satisfied that you had an invitation one way or
13 the other to come to Nashville?

14 A No, sir, I told the jury that I may have discussed
15 it briefly with Mr. Grimsley, but not any details because I
16 didn't know I was going.

17 Q Well, please tell us then again when in detail
18 you did discuss it with them?

19 A I don't believe until after the trial I got in
20 a detailed discussion with Mr. Grimsley, as far as real
21 details of what he told me to do when I got to Nashville
22 I got in details with him.

23 Q I see. Did you talk to Mr. Grimsley in Nashville?

24 A No, I never did.

25 Q So you couldn't have told Mr. Grimsley in Nashville

1 when you got to the trial because he wasn't there.

2 A Mister, you didn't ask me did I stop anywhere
3 else along the way or when I was going or when I was coming
4 back, you failed to ask me that.

5 Q Well, answer me, please, sir, when was the first
6 time you discussed the Hoffa case, whether it be in detail
7 or little detail or medium detail, when, give us a date,
8 please, sir.

9 A I told you I believe this is the fifteenth time
10 now that I don't remember the exact date.

11 Q All right. Well, give us an estimate.

12 A I have three or four times or fifteen, I don't
13 know.

14 Q All right. Give us an estimate, give or take
15 ten, thirty or sixty days.

16 A I have answered that already, sir.

17 Q Well, let's hear it again.

18 A Thirty to sixty days, give or take a few days.

19 Q And that is when you discussed the Hoffa case
20 with him?

21 A I did not say that, it was another case in it's
22 entirety I discussed in detail with them.

23 Q I am asking you, Mr. Partin, when you discussed
24 the Hoffa case and Nashville trial with Mr. Grimsley, where
25 in the United States, sir, can you answer that?

1 A Yes, sir.

2 Q All right, answer.

3 A Most of the time on the phone when I would have
4 to stop in Atlanta changing planes on the way back to Baton
5 Rouge, most of the time in detail on the phone.

6 Q Is it your answer that it's ~~thirty~~ to sixty days,
7 give or take a few days, before the Nashville trial started
8 that you talked to Mr. Grimsley?

9 A That's not what you asked me. You asked me when
10 I had talked to him anywhere in the United States.

11 Q About the Hoffa case.

12 A That is correct.

13 Q All right. Now, answer me.

14 A Answer you what?

15 Q Answer me when you discussed with Mr. Grimsley
16 anywheres, not in the office, not anywhere, you say, you
17 pick it out any place, when was the first time you went into
18 some detail about the Nashville Hoffa case and its trial?

19 A In major details, I don't know about just brief
20 conversations, I would say would be most of the time in
21 Atlanta when I stopped on the way to Baton Rouge, Louisiana,
22 I would change planes.

23 Q How many days before the trial, I believe you
24 said thirty or sixty, I am trying to find out from you.

25 A I didn't say that.

1 Q Well, when was it?

2 A I said--, if you will let me answer I will.

3 Q I am letting you answer, sir. I hope I am not
4 cutting you off.

5 A Well, give me time.

6 Q Take your time.

7 A I said after I would leave Nashville going back
8 to New Orleans or Baton Rouge I would change planes, if I
9 had time I would call him, then I would discuss it in
10 detail with him as long as I had time in between planes I
11 would have a conversation with him.

12 A All right. When did you agree to be an informer?

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1 A I have never agreed to be an informer, sir.

2 Q When did you tell anybody, whether it's the
3 government or a state agent that you would furnish information
4 about Mr. Hoffa and the trial?

5 A The Nashville trial?

6 Q Yes, sir.

7 A It would have to be after I talked to Mr. Hoffa
8 in Newark, New Jersey, because I said was the first time I
9 knew I was going to go to Nashville.

10 Q All right. When did you talk to Mr. Hoffa?

11 A Oh, I told you before it was a couple of days,
12 three or four days before I left, the best I can recollect.

13 Q All right. After you talked to Mr. Hoffa, where
14 did you go?

15 A The best I can remember I stayed around the office
16 for a day or two maybe and then I went from there to Atlanta,
17 I think to change planes, I am not sure of that, to Nashville.

18 Q Is that all you did on the trip?

19 A I may have talked to Mr. Grimsley on the phone
20 at that time, I don't think so, though.

21 Q All right.

22 A I don't remember.

23 Q So two or three days before the trial you stayed
24 around Baton Rouge, you flew to Atlanta, and on to Nashville,
25 and you don't think you talked to Mr. Grimsley?

1 A I am not positive. I talked to him several times
2 when I talked in Atlanta.

3 Q I am asking you now the three days before this
4 trial started that you are talking about. Now, did you talk
5 to Mr. Grimsley?

6 A I would be without knowing for sure, I would
7 almost guess I did talk to him, not knowing for sure, it would
8 be proper to if I were going up there.

9 Q In other words, not knowing for sure you would
10 testify that you did?

11 A I didn't say that I did, I said after I knew it
12 I said it would be proper after I knew I was going to
13 privately call and get what I was supposed to do.

End 15a
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- 1 Q All right. Did you call him?
- 2 A I said I would be almost sure I did because he
- 3 gave me a phone number of Mr. Sheridan.
- 4 Q All right, did you call him?
- 5 A I think I answered you.
- 6 Q Well, do you say now you did or you didn't?
- 7 A I didn't say. You heard the answer. I said I
- 8 probably would have called him.
- 9 Q You answered while ago that you don't think that
- 10 you did call him?
- 11 A I did not say that.
- 12 Q You didn't say that?
- 13 A I don't think so.
- 14 Q When you were in Atlanta and changing planes
- 15 did you call him?
- 16 A If I changed planes that day in Atlanta I probably
- 17 called him from there.
- 18 Q Didn't you just tell the jury just a moment ago
- 19 that when you were in Atlanta you don't think you called him?
- 20 A I said if I changed planes I told him later I
- 21 probably called him several times. Any time I changed planes
- 22 I would probably call him.
- 23 Q Now, you knew, Mr. Partin, that I was referring
- 24 to the time when you were going to Nashville, you changed
- 25 planes in Atlanta, you testified first that you didn't call

1 Mr. Grimsley in Atlanta, now you say that you did call him?

2 A No, it is hard to understand what you mean.

3 Q All right, I'm asking you a simple question.

4 When you went to the Nashville Hoffa trial and you said you
5 flew from Baton Rouge to Atlanta, when you got to Atlanta,
6 sir, did you or did you not call Mr. Grimsley?

7 A I called him before I left Baton Rouge or called
8 him there. I got a number of Mr. Sheridan at one place or
9 the other.

10 Q In other words you got hold of Mr. Sheridan and
11 then you talked to Mr. Grimsley?

12 A I did not say that.

13 MR. NEAL: Your Honor, this is badgering that
14 witness. That witness has answered. He has answered to the
15 satisfaction of surely everybody but Mr. Berke and Mr. Berke
16 then whops it around and comes back another way.

17 MR. BERKE: If Your Honor please, we object to
18 counsel's remarks on that. The Court has already instructed
19 counsel not to remark on the evidence.

20 THE COURT: Let's proceed, gentlemen.

21 BY MR. BERKE:

22 Q Did you personally talk to Mr. Grimsley in person
23 now at any time after you talked to Mr. Hoffa and before
24 the Hoffa case started?

25 A Any time afterwards? Up until today? Prior to

1 getting there or when?

2 Q I asked you and I am trying to make it as simple
3 as I can, from the time you decided to go to Nashville or
4 were invited to go to Nashville up until you arrived in
5 Nashville, did you personally, in person, talk to Mr.
6 Grimsley?

7 A He would have had to have been to the airport.
8 I don't think so. Because he would have been to have been
9 at the airport.

10 Q All right, did you tell Mr. Grimsley at any time
11 before you went to Nashville that you would be an informer
12 or you would give information or you would report to some
13 government man or give him something on Mr. Hoffa?

14 A I don't call it informing, sir.

15 Q I can't hear that.

16 A I said I don't call it informing as you do.

17 Q All right, what do you call it if you don't call
18 it informing?

19 A I would call it a fight for your life with
20 Mr. Hoffa.

21 Q You were fighting for your life then, weren't you?

22 A I would think so from reading some of the things
23 that he has done.

24 Q And you were pitching your life against Mr.
25 Hoffa's life, weren't you?

1 A No, sir, I can answer that but I can't here.

2 Q It was either you or Mr. Hoffa, wasn't it?

3 A Definitely not. Mr. Hoffa doesn't have nothing
4 to do with me in those connections.

5 Q If you had a choice between you and Mr. Hoffa
6 your interests would be in yourself and not Mr. Hoffa?

7 A I imagine. That is human nature, sir.

8 Q So you had a grievance to iron out, didn't you?

9 A A what?

10 Q You had a grievance against Mr. Hoffa?

11 A No, sir, I didn't have a grievance against him as
12 such, no, certainly didn't.

13 Q What are all these complimentary remarks you are
14 making about Mr. Hoffa?

15 A His union principles.

16 Q So you objected to it?

17 A Certainly did. Taking entirely away from local
18 unions. Running it from Washington.

19 Q Did you go to Nashville to see Mr. Hoffa for
20 your own personal benefit?

21 A I think the reason I was in Nashville Mr. Hoffa
22 wanted to see me for his own personal benefit. He had some
23 things worrying him at the time.

24 Q Did you go to Nashville for anything personal to
25 yourself?

1 A I don't think it was. I think it was to his
2 benefit.

3 Q Did you call Mr. Hoffa?

4 A I certainly did.

5 Q And you called him at Newark?

6 A I called Washington I believe first. They told
7 me he was at the Essex house, I believe in Newark, New Jersey.

8 Q And you called up there?

9 A Yes, sir.

10 Q You know, of course, that Mr. Hoffa in transacting
11 the various amount of Teamsters business that he has all over
12 the country that the Teamsters have had numerous different
13 trials with the government and other individuals, don't you?

14 A Same as I have, sir. I agree with you.

End 16
16 A fol.

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- 1 Q Have you ever been to Mr. Hoffa's home?
- 2 A No, sir, I haven't.
- 3 Q Have you ever attended any trial before this time
- 4 for Mr. Hoffa?
- 5 A Never was invited before.
- 6 Q Did Mr. Hoffa call you and ask you to come up
- 7 there?
- 8 A No, sir, he did not. He told me when I called
- 9 him back.
- 10 Q Did you want to be invited to come up here?
- 11 A Yes, sir. I wanted to find out why Mr. Hoffa
- 12 sold me out and pulled my bond and I wanted to talk to him.
- 13 Q So, you did have a personal matter you wanted
- 14 to discuss with him?
- 15 A Yes, I certainly did but I didn't tell him I
- 16 wanted to come to Nashville.
- 17 Q Didn't you tell the jury a while ago that you
- 18 didn't have anything personal you wanted to discuss with him?
- 19 A I did not. I told him the meeting at all times
- 20 was discussions on personal matters and union matters. At
- 21 all times during the meeting I have told these ladies and
- 22 gentlemen that.
- 23 Q Except when you went to conventions and district
- 24 conventions and union meetings, did you ever associate with
- 25 Mr. Hoffa?

1 A Oh, yes, sir.

2 Q Where?

3 A In the presence of a fellow named Ira Davidson,
4 who, I understand, was a gun handler or maybe a Mr. Marcellus
5 met us at the airport. I don't know him. Leaving Baton
6 Rouge. I met him numerous times in Washington. Baton Rouge
7 a couple of times.

8 Q Mr. Partin--

9 A (Interposing) Chattanooga--

10 Q (Interposing) Excuse me, go ahead. Are you
11 through?

12 A I want you to be sure where all we met. Chatta-
13 nooga. See him in Dallas.

14 Q You referred to some man as a gun handler, you
15 volunteered that information?

16 A He is, yes.

17 Q You are a pretty good gun handler yourself?

18 A I have collected guns all my life.

19 Q You have shot them?

20 A Yes, sir, I have shot them.

21 Q You have shot them at people?

22 A No, sir.

23 Q Didn't you shoot at this colored girl where you
24 were charged with rape in that case?

25 A I don't remember anything connected with that.

1 Q Do you mean you don't remember anything connected
2 about that?

3 A I didn't say that. I said I don't remember any-
4 thing about a gun.

5 Q Didn't you admit to the sheriff that you shot
6 but you only meant to scare this poor girl?

7 A I don't think so. I think that I was--let's see--

8 Q (Interposing) Didn't you tell Mr. Buffalino, the
9 attorney there, that if you had been tried anywhere else than
10 Mississippi you would still have been in jail?

11 A I have never discussed anything with Mr. Buffalino
12 except matters that couldn't be related to this.

13 THE COURT: Strike that question and strike the
14 answer. It is argumentative.

15 BY MR. BERKE:

16 Q You have a tendency to want to be a federal
17 officer, don't you?

18 A I don't have any desire, sir. All I want to do
19 is make a living for my wife and five kids.

20 Q Haven't you posed as a federal officer?

21 A No, sir. I am a state fire marshal and also the
22 state police honorary badge in Louisiana but I am a deputy
23 state fire marshal of Louisiana. I don't have to pose as
24 one. I will be glad to show you my credentials, sir, if you
25 would like to see them.

1 Q Didn't you pose as a federal officer and go into
2 a man's home and steal a gun which you pawned for \$20 and you
3 told him you were a federal officer?

4 A I certainly don't remember that, certainly don't.

5 Q Do you mean an item like that would slip your
6 memory?

7 A I certainly don't remember it.

8 Q Would it help you if I gave you the date, Mr.
9 Partin, when you did that?

10 A It probably would if it happened, yes, sir.

11 Q I will ask you if on April 17, 1948, around noon,
12 if you didn't enter the home of Willie McPipe at Woodville,
13 Mississippi, and claimed yourself to be a federal officer
14 and you found a pistol in McPipe's house which you took with
15 you and subsequently pawned for \$20?

16 A No, sir, I don't remember that.

17 Q You don't remember it?

18 A No, sir, I do not.

19 Q Would such an incident like that also slip your
20 memory?

21 A No, I don't think it would. I don't think so.

22 Q Were you ever in Woodville, Mississippi?

23 THE COURT: Let's move along, gentlemen.

24 BY MR. BERKE:

25 Q Now, sir, when you talked to Mr. Grimsley after

1 you talked to Mr. Hoffa, what was your agreement on arrange-
2 ment?

3 A Either he was supposed to meet me and give me a
4 way to contact him or either I call him on the phone and got
5 the phone number of Mr. Walter Sheridan.

6 Q Well, now, that happened at or about the time
7 of the trial you said it was two or three days before the
8 trial. Why is it you can't remember that?

9 A Because, sir, it is another matter that I have
10 been instructed not to answer you mixed directly with that.
11 There was another matter altogether that I was meeting with
12 him for.

End Tk 16A 13
Tk 17 fls.

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1 Q Well, now, that matter occurred in Atlanta,
2 Georgia, did it not?

3 A Which matter?

4 Q The matter you were instructed not to answer about.

5 A No, sir, it did not.

6 THE COURT: Well, the Court instructed the witness
7 in that regard.

8 MR. BERKE: All right.

9 BY MR. BERKE:

10 Q Were you given any instructions before you went
11 to Nashville?

12 A Yes, I was.

13 Q What were the instructions?

14 A If I saw any evidence of jury tampering or other
15 illegal activities to contact Mr. Walter Sheridan and I was
16 given his phone number.

17 Q Who gave you his phone number?

18 A Mr. Grimsley.

19 Q When did he give it to you?

20 A A day or two before I came or the same day maybe,
21 it was so close knitted and it may have been the same day.

22 Q Did you -- did your Honor say something?

23 THE COURT: No.

24 MR. BERKE: I guess it was Mr. Hooker then, I'm
25 sorry.

1 BY MR. BERKE:

2 Q Did you see Mr. Sheridan when you got to Nashville?

3 A Yes, I did.

4 Q And when did you get to Nashville?

5 A The best I can remember was October 22nd when I
6 saw him.

7 Q And where did you meet him?

8 A I believe it was in his car, I think, I'm pretty
9 sure it was in his car.

10 Q Now, we are getting to a time when your memory
11 is pretty good about things, right?

12 A Oh, I can remember anything that happened there
13 if I am given an opportunity to answer correctly and think on
14 it.

15 Q All right. Now, didn't you, Mr. Partin, in an
16 interrogation before the Judge in the absence of the jury
17 tell us that the first time that you met Mr. Sheridan was in
18 the lobby of the Andrew Jackson Hotel?

19 A What now?

20 Q Was I not speaking loud enough?

21 A I didn't understand the question.

22 Q Did you testify before His Honor, Judge Wilson
23 here, on a legal matter while the jury was out?

24 A I --

25 Q (Interposing) And it fits in the record and I

1 will read it to you if you want me to, that the first time
2 that you met Mr. Sheridan was in the lobby of the Andrew
3 Jackson Hotel?

4 A Sir, I guess I didn't know this was Judge Wilson,
5 I am sorry. I didn't testify in front of this gentleman.

6 Q Is it necessary that I introduce the Court?

7 A I am sorry.

8 Q This is Judge Wilson.

9 A I didn't even know. I didn't testify to him in
10 regard to Grand Jury hearings, I am pretty sure I didn't
11 testify in front of him.

12 Q Now, have I asked you anything about a Grand Jury
13 hearing?

14 A I thought you mentioned it, sir.

15 Q I asked you a very simple question. Didn't you
16 testify that the first time that you met Mr. Sheridan was in
17 the lobby of the Andrew Jackson Hotel?

18 A As such on an assignment I would say that would
19 be correct, sir, but as far as seeing him on the street,
20 passing him, seeing him in his car, in the courtroom, or
21 casually otherwise, yes, I probably have seen him.

22 Q All right. So you say now you would see him for
23 different reasons at different places?

24 A Well, I would have to if he passed by me in the
25 street, I wouldn't be purposely wanting to see him if he

1 would be going to the courtroom or something.

2 Q So you went up there and talked to Mr. Sheridan
3 in the lobby of the Andrew Jackson Hotel?

4 A No, sir, I didn't say I talked to Mr. Sheridan in
5 the lobby of the Andrew Jackson Hotel.

6 Q Did you see him in the lobby of the Andrew Jackson
7 Hotel?

8 A Yes, sir, that was the night he was trying to
9 catch these police, Paternal Order of Police when they came
10 into Nashville to help bribe the jury.

11 MR. SILETS: Objection, your Honor, I --

12 THE COURT: (Interposing) Sustained.

13 MR. SILETS: Move it be stricken and the Court
14 withdraw a juror and declare a mistrial.

15 MR. SCHIFFER: I join in the motion on behalf of
16 the Defendant Parks.

17 MR. BRANSTETTER: So does the Defendant Campbell,
18 may it please the Court.

19 THE COURT: Sustain the objection.

20 MR. BRANSTETTER: May it please the Court --

21 THE COURT: (Interposing) Disregard the question
22 and answer.

23 MR. BERKE: Mr. Partin --

24 THE COURT: (Interposing) Overrule the motion.

25 MR. BERKE: I am sorry, your Honor.

1 BY MR. BERKE:

2 Q Mr. Partin, on October 22nd, 1962, don't you
3 know, sir, that not a single juror had been put in the box
4 yet?

5 A I didn't say I met him, you told me I met him in
6 the lobby, I didn't tell you that.

7 Q All right. I will ask you then, did you meet
8 Walter Sheridan the first time in the lobby of the Andrew
9 Jackson Hotel and furnish -- I am sorry, I have got to do
10 this, but this witness calls on me to do this.

11 A No, sir, I did not.

12 Q You say now you did not?

13 A Not the first time in the lobby, no, sir.

End 17
17a fls

14 MR. BERKE: All right.

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1 MR. BERKE: All right.

2 THE COURT: Gentlemen, I believe it's time for
3 the noon recess. Ladies and gentlemen, do not discuss the
4 case among yourselves or allow anyone to talk to you about
5 it during the recess. Be back at 1:30.

6 The jury may be excused. Court is not adjourned.

7 (Thereupon, the jury of 12 and 4 alternates were
8 excluded from the courtroom.)

9 THE MARSHAL: Everyone please be seated, court
10 is still in session.

11 THE COURT: All right. Now, Mr. Partin, you may
12 be excused at this time. Do not discuss your testimony with
13 anyone or allow anyone to talk with you during the recess
14 for lunch about your testimony.

15 (Witness temporarily excused.)

16 THE COURT: Yes.

17 MR. BRANSTETTER: May it please the Court, this
18 witness, immediately preceding the excusing of the jury for
19 lunch hour, blurts out matters that we think are highly
20 prejudicial to the defendants, particularly the Defendant
21 Campbell.

22 I moved for a mistrial at that point and I now
23 move for either a mistrial or a severance and would request,
24 if the Court sees fit to overrule those motions, that the
25 Court instruct this witness it's obvious to at least from

1 my view, having sat in a few courtrooms, that this witness
2 has not answered a direct question, although it is as simple
3 as pie to answer them, he is totally evasive and is not,
4 will not answer a question at all, blurts out answers that
5 he either thinks of himself or has been told to say.

6 THE COURT: All right.

7 MR. BRANSTETTER: I think it's unjust to every
8 defendant here and I only speak for the Defendant Campbell.

9 MR. SILETS: Your Honor, in that same connection
10 I think that I will have to voice an objection to the Court's
11 permitting the witness to, instead of answering a question
12 directly by a simple yes or no, making a full and detailed
13 explanation.

14 That is for rebuttal purposes, the way your Honor
15 has limited us on cross examination.

16 THE COURT: How have I limited you, Mr. Silets?

17 MR. NEAL: Limited?

18 THE COURT: How has the Court limited the
19 defendants? Do you really feel the Court has limited the
20 defendants? Do you seriously feel that the Court has limited
21 the defendants in the cross examination of this witness?

22 MR. SILETS: Yes, sir, I do.

23 MR. NEAL: Your Honor, in that regard I would
24 like to point to Henerson vs. United States and Smith vs.
25 United States, both from this circuit, which hold that the

1 cross examination with respect to anything other than con-
2 viction for--

3 THE COURT: (Interposing) The Court has allowed
4 the broadest possible, it seems to me, examination of the
5 witness.

6 MR. BRANSTETTER: May it please the Court, I
7 would agree with the Court on this one point, it may be
8 broad, only for the Defendant Campbell as to the point
9 involving the question dealing with prior offenses, arrests,
10 and so forth, but each time that counsel has done that it's
11 not been broader than the law because counsel has stated it
12 is testing this man's credibility.

13 MR. NEAL: That's ridiculous.

14 MR. BRANSTETTER: It may not be ridiculous, the
15 cases so hold.

16 MR. NEAL: It doesn't hold you can ask about
17 prior acts of misconduct that have been done here to test
18 the memory.

19 MR. SCHIFFER: May I offer a suggestion that
20 maybe the Court will adopt that the witness be instructed
21 by the Court that when he gives responsive answers to stop
22 at that point and not continue with extraneous matters. If
23 he had the instruction from the Court possibly he could
24 understand if it came from the Court rather than counsel.

25 MR. BERKE: It would shorten the examination.

1 I am just being forced in that by rambling answers he makes.

2 THE COURT: The Court will consider giving such
3 an instruction. There has been some questions that have been,
4 at least the Court has had some difficulty understanding what
5 was being referred to. It was clear in the party's mind--

6 MR. NEAL: (Interposing) To show how unfair this
7 cross examination is, when the Defendant Hoffa takes the
8 stand we are precluded about asking him from any charges but
9 yet no man has probably had more charges.

10 MR. HAGGERTY: Now, your Honor, I object to that.

11 THE COURT: The law is clear.

12 MR. NEAL: There has been charges gone into--

13 MR. HAGGERTY: (Interposing) Just a moment.

14 And move it be stricken from the record. Is this an alley
15 fight or is it a courtroom?

16 MR. NEAL: Oh, no, I thought it was a courtroom.

17 MR. HAGGERTY: Well, you don't show it at times.

18 THE COURT: Now, gentlemen, the Court has
19 instructed counsel not to carry on conversations among them-
20 selves. If you have anything to say, say it to the Court
21 and the Court will rule upon it. We are not going to have
22 this bickering back and forth.

23 MR. SCHIFFER: Would your Honor consider
24 instructing the witness?

25 THE COURT: Yes, I will consider that over the

1 lunch hour.

2 MR. ALEXANDER: Your Honor, this witness is doing
3 the exact thing that I asked your Honor to instruct him about
4 and that is bringing in extraneous matters to get them before
5 the jury by saying that the Court has instructed him not to
6 say it.

7 THE COURT: All right. Let's adjourn court until
8 1:30.

9 (Thereupon, at 12:05 o'clock P.M. court was
10 adjourned for the noon recess until 1:30 o'clock P.M.)

End Tk 17A1
Tk 18 fls.

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AFTERNOON SESSION

1:30 O'Clock, P. M.
February 6, 1964

(Thereupon, pursuant to adjournment for the noon recess, court was in session.)

(Thereupon, in the absence of the jury and the alternates the following proceedings were had, to-wit:)

MR. NEAL: May it please the Court?

THE COURT: Yes, Mr. Neal.

MR. NEAL: Before the jury comes back in, I did want to say to the Court I would not be as I conceive it doing my duty as a representative of the United States if I did not insist that the Court act in accordance with what the Sixth Circuit has said to be the law in this district with respect to the scope of cross examination. I do this, of course, as an officer of the Court and I do it respectfully.

I think that the cases are quite clear on this. We have gone over matters here which are unfair to the people involved. The Sixth Circuit, as I said, has spoken in Henderson versus United States, the citation of which I have given the Court and in Smith versus United States, the citation which I have given the Court.

Respectfully, your Honor, I urge that the Court apply those cases to limit this matter of cross examination as to convictions, convictions involving moral turpitude,

1 whether they be felonies or misdemeanors.

2 THE COURT: All right. Gentlemen, the documents
3 delivered unto the Court by the government this morning at
4 the time of the hearing in the absence of the jury and just
5 prior to our recess have been examined by the Court and they
6 are in no respects statements which would be subject to pro-
7 duction under the Jencks Act. The Court has, therefore,
8 sealed those documents. They will be delivered to the
9 reporter and identified as Exhibit No. 114.

10 (The documents referred to above by the Court
11 were marked Government's Exhibit No. 114 for
identification only.)

12 THE COURT: May we have the witness returned to
13 the courtroom?

14 (Thereupon, the Witness Partin, a witness called
15 at the instance of the United States of America, thereupon
16 returned into the courtroom and the following proceedings
17 were had, to-wit:)

18 THE COURT: Mr. Partin, when we resume the examina-
19 tion this afternoon the Court will instruct you and request
20 that you respond to the questions if you know the answer. If
21 you do not know an answer, do not have an answer to the
22 question, just indicate so. Do not carry on any colloquy
23 between the attorney and, likewise, do not volunteer any
24 information. I believe if you will follow those instructions
25 we can move along with the examination and the trial of the

1 case. As I say, respond to the question as directly as you
2 know and as truthfully as you can. If you do not know the
3 answer, indicate, so state.

4 THE WITNESS: Yes, sir.

5 THE COURT: If you desire to make an explanation,
6 you will certainly be permitted to make any explanation. But
7 at the same time do not volunteer statements that are not
8 responsive to the question.

9 THE WITNESS: Yes, sir.

10 THE COURT: Listen carefully to the question and
11 respond accordingly. May we have the jury return?

12 (Thereupon, the jury of twelve and four alternates
13 were brought into the courtroom and the following proceedings
14 were had, to-wit:)

End 18
19 fls

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1 Partin - Cross

2 THE COURT: All right. Mr. Berke, do you desire
3 to continue with your examination?

4 FURTHER CROSS EXAMINATION

5 BY MR. BERKE:

6 Q Mr. Partin, when we adjourned for the noon hour
7 I believe I asked you if you didn't testify in this court
8 in the absence of the jury that the first time that you saw
9 Mr. Sheridan was in the lobby of the Andrew Jackson Hotel?

10 MR. NEAL: Now, your Honor, I object to that
11 because that's not the question Mr. Berke asked. I have
12 checked this transcript. The question was, didn't he testify
13 that the first time he met Mr. Sheridan was in the lobby.
14 I have checked the transcript on that.

15 MR. BERKE: If your Honor please, I don't think
16 it's proper.

17 THE COURT: Proceed.

18 BY MR. BERKE:

19 Q Do you recall when it is that you first saw Mr.
20 Sheridan?

21 A Yes, sir, if you mean saw or met, I mean.

22 Q All right, a good question, saw or met. When
23 did you first see him or when did you first meet him?

24 A Met him on business or just meet him in--I mean
25 I am trying to clarify what you mean, sir, I just want to

1 know, met him in business matters or just see him on the
2 street or in a car, sir?

3 Q Well, I will ask both. When did you first see
4 Mr. Sheridan in person to talk to him and know that that was
5 Mr. Sheridan?

6 A The first day I got there.

7 Q Sir?

8 A The first day that I got there, the first night,
9 somewhere during--

10 MR. SCHIFFER: (Interposing) May we have the
11 witness speak a little bit louder? We can't hear his words.

12 THE COURT: Yes, speak loudly enough.

13 A The first day that I arrived in Nashville during
14 that course of the afternoon, evening or night.

15 Q All right. Where did you see him?

16 A I believe it was down close to the Noel Hotel
17 from the Andrew Jackson.

18 Q Close to the Noel Hotel from the Andrew Jackson?

19 A Yes, sir, in between, in between the two.

20 Q Did you see him on the street?

21 A Yes, he was on the street when I saw him.

22 Q In a building?

23 A No, sir, in a car.

24 Q In a car. All right. Now, is that the first
25 time that you laid eyes on Mr. Sheridan?

1 A If I had before I didn't know who he was.

2 Q All right. How long did you talk with him?

3 A I don't know exactly how long it was I talked
4 with him, it wasn't a great length of time.

5 Q What did you talk about?

6 A The same thing that I told you I did the first
7 report on the meeting of the 22nd when I got to Nashville.

8 Q How long after you got into Nashville before you
9 met him on the 22nd?

10 A I believe I answered you, sir, already on that.

11 Q Answer me again then.

12 THE COURT: Just respond even if it involves
13 repeating your answer, Mister--

14 A (Interposing) Either during the afternoon,
15 evening or night of that day.

16 Q Yet you don't know?

17 A I didn't say I didn't know. I said I met him at
18 one time or another.

19 Q Well, if you do know will you please state?

20 A I said one or the other, sir, it was later in
21 the afternoon.

22 Q Is it true then that you don't know whether it
23 was afternoon, evening or night?

24 A No, sir, it's not true that I don't know. I
25 know it was one or the other, I don't know which one it was,

1 it could have been 6 or 7 or 8, I will put it that way,
2 along in those times.

3 Q It could either have been six o'clock, seven
4 o'clock or eight o'clock?

5 A I am using that to make a reference, sir, to
6 give you an example of what I am speaking of.

7 Q Well, is it true then that you do not know just
8 exactly what time that day when you arrived that you met--
9 that you saw Mr. Sheridan?

10 A No, sir, I do not know the exact time, the exact
11 time.

12 Q That's all I asked.

13 A To the minute.

14 Q Now, let's get to this other distinction. When
15 did you first meet Mr. Sheridan?

16 A I think in the apartment, as far as meeting him
17 casually where you could sit down and talk to him in a room
18 of some sort in his apartment.

19 Q So you are making the distinction between seeing
20 or meeting him in an automobile and seeing and meeting him
21 in an apartment?

22 A Yes, sir, as far as the length of a lengthy
23 discussion or what would be said along those lines.

24 Q Did you introduce yourself to Mr. Sheridan in
25 the automobile?

1 A I would imagine I introduced myself to him the
2 first time I met him or either he knew me, I guess, when he
3 saw me from description.

4 Q Well, had you talked to Mr. Sheridan at any time
5 before you met him in the automobile?

6 A Yes, I talked to him on the phone, yes, sir.

7 Q Where were you when you talked to him on the
8 phone?

9 A In a pay phone across the street, I think it
10 was a pay phone, I am sure of that.

End Tk 1911
Tk 20 fls.

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1 Q Across the street from where?

2 A The Andrew Jackson Hotel.

3 Q And what was your agreement as far as meeting and
4 talking?

5 A Well, there was no set agreement. I may have met
6 him in the car or something. Wouldn't be any set agreement
7 as far as--

8 Q (Interposing) So you had no agreement with him
9 about meeting or where you would meet or anything?

10 A Not in advance, no. Not until I talked to him.

11 Q Well, you talked to him.

12 A I said that.

13 Q All right. When you talked to him did you have
14 an agreement with him as to where to meet?

15 A Certainly. I would have to. I couldn't hunt
16 him all over Nashville.

17 Q All right. Where did he tell you or you tell him
18 you would meet him?

19 A Well, where we were going to meet at. If it
20 would be in the car we would meet in the car. If he was to
21 be in the apartment he would pick me up in his car and take
22 me over there.

23 Q I'm talking about the first time, Mr. Partin,
24 the first time that you laid eyes on Mr. Sheridan, what
25 instructions did he give you on the telephone as to where to

1 meet him?

2 A Well, the first time I laid eyes on him I wasn't
3 able to talk to him because he identified me from a
4 handkerchief in my pocket.

5 MR. SILETS: I didn't hear that answer, Your
6 Honor. Could he speak up?

7 THE COURT: Speak up, Mr. Partin.

8 MR. SILETS: What was the answer?

9 THE WITNESS: I said the first time I met him I
10 didn't get to talk to him. I identified myself by a
11 handkerchief in my pocket. Here.

12 BY MR. BERKE:

13 Q You identified yourself to Mr. Sheridan?

14 A He recognized me by a handkerchief in my pocket.

15 Q Had you ever talked to Mr. Sheridan before that
16 time?

17 A I'm sure I called him on the phone prior to that.

18 Q Where was Mr. Sheridan when you talked to him?

19 A I don't know where he was. I called him on the
20 phone at his office I would imagine. Or his apartment. He
21 had two places there.

22 Q Was that after you got to Nashville?

23 A Yes, sir.

24 Q Did you call him?

25 A Yes, sir, I did.

1 Q How many times did you call him before you saw
2 him?

3 A Well, I wouldn't remember whether I called him
4 once before I saw him because just wouldn't know exactly
5 how many. Probably once or twice I would imagine.

6 Q It is true, isn't it, Mr. Partin, that yesterday
7 while Mr. Hooker was questioning you, you knew the time, the
8 place, the parties, the nature of the conversation and all
9 of those things, that is true, isn't it?

10 A Well, I knew those people. I didn't know Mr.
11 Sheridan.

12 Q Now, what is the difference now that makes you so
13 forgetful about items, what is the distinction?

14 A Had he asked me how many times I used the public
15 phone I couldn't have told him either.

16 Q But here is a man that you are coming to meet,
17 meet for the first time, that is true, isn't it?

18 MR. HOOKER: We think this is argumentative, if
19 Your Honor please.

20 THE COURT: Sustained.

21 BY MR. BERKE:

22 Q This was the first time in your life that you
23 were to meet Mr. Sheridan there?

24 A As far as I know, as far as I knew yes, sir.
25 As far as I can remember.

1 Q And I say you called him one, two, three or four
2 times?

3 A I said it is possible because local pay phone
4 you certainly couldn't keep up with the record, the number of
5 calls you made on a local phone.

6 Q Do you recall--, you recalled the different phone
7 calls that Mr. Dorfman was supposed to have made at pay
8 stations and things like that.

9 A Yes, sir, I was supposed to pay attention to that.
10 I wasn't supposed to keep up with how many times I talked
11 to Mr. Sheridan.

12 Q But you are not supposed to pay attention to what
13 you were doing?

14 A I wasn't violating the law, I didn't think I
15 needed to make a record of it.

16 Q I didn't ask you if you were violating the law.
17 I'm simply asking you if you talked to Mr. Sheridan what
18 were the instructions as to how you were to meet? It is a
19 simple question.

20 A Well, the first meeting that I believe was when
21 Mr. Tweel was in town and I thought he was Anthony Quinn and
22 Mr. Sheridan wanted to come in the lobby of the hotel and
23 see who he was. And I had to put a handkerchief in my pocket
24 with an "E" in it to identify myself to Mr. Sheridan so he
25 would know who I was talking to whether it would be Mr. Tweel

1 or who it may be.

2 Q So he did come into the lobby of the Andrew
3 Jackson Hotel?

4 A Oh, yes.

5 Q What kind of handkerchief were you wearing?

6 A I had one with an "E" in it same as this one here.

7 Q And you had already seen Mr. Tweel at that time?

8 A Oh, yes, sir.

9 Q And who else did you see at that time? Who else
10 had you already seen?

11 A Well, some of them that I had seen I didn't
12 mention yesterday. I saw someone that he said was president
13 of the Fraternal Order of Police going into the lounge,
14 someone that came with him.

15 MR. SILETS: Objection, Your Honor.

16 THE COURT: I don't see how it is material.

17 Sustain the objection.

18 BY MR. BERKE:

19 Q Of these defendants who else did you see before
20 you talked to Mr. Sheridan the first time?

21 A Mr. Tweel. Mr. Dorfman. Mr. King. Mr. Hoffa.

22 Q How long was it from the time that you were in
23 the lobby of the Andrew Jackson Hotel until you met Mr.
24 Sheridan somewheres on the street or in a car next?

25 A I believe it was dark, sir, so it would have

1 been six or seven o'clock. I would guess around that time.
2 I don't know for sure on that.

3 Q All right, how long a period of time elapsed
4 between the time that you made yourself identifiable in
5 the Andrew Jackson Hotel until you talked to Mr. Sheridan?

6 A I believe I told you I didn't remember that.
7 The exact time on that.

8 Q Well, could you give us approximately when it
9 was?

10 A Not accurately I don't think so, no, sir.

11 Q It was in the morning or was it in the afternoon?

12 A The next time I saw him was in the afternoon or
13 later in the night. It was at night-time. I don't think it
14 was in the morning.

End 20

Tk 21 fol. 15

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1 Q When you made yourself identifiable to him it
2 was daylight?

3 A No, sir, it was not.

4 Q In other words, when you were in the lobby of
5 the Andrew Jackson Hotel it was already dark?

6 A Yes, sir, because they were eating lunch--dinner.

7 Q Now, where did you have an agreement to meet?

8 You said, now, you meet me at a certain place--where was that?

9 A Which time are you speaking of?

10 Q The very first time.

11 A I believe the first actual meeting was in the
12 lobby of the hotel.

13 Q All right. So you met him there and talked very
14 briefly to him?

15 A I didn't say I talked to him at all, sir.

16 Q Well, did you nod to him?

17 A I don't think I nodded to him, no, sir.

18 Q Well, you said the first time you met him was
19 in the lobby of the hotel. What did you do with him, how
20 did you meet him?

21 A I didn't--I didn't do anything with him. He
22 wanted to see who was with me because Mr. Tweel or Mister
23 whatever his name was by then, I don't know, he was supposed
24 to be identified by him.

25 Q Well, do I understand you correctly, and I am

1 not trying to repeat myself, but it's the answer that you
2 give that requires me to keep asking this, Mr. Partin. Do
3 I understand you to say that the first time you did meet
4 then Mr. Sheridan was in the lobby of the Andrew Jackson
5 Hotel?

6 A As far as I can remember it was, yes, sir, because
7 some of that times on the street wouldn't be a meeting in
8 that sense.

9 Q All right. Was there a hand shake between you?

10 A No, sir.

11 Q Was that the time that you recognized Mr. Sheridan
12 or you were given a signal to know who Mr. Sheridan was?

13 A I don't think I even recognized him then. I saw
14 some people walk in who I recognized one time later as him.

15 Q How do you know then that you met Mr. Sheridan
16 in the lobby of the hotel then?

17 A Because.

18 Q If all you saw was people.

19 A Because evidently when they checked Mr. Quinn
20 out or Mr. Tweel or whoever it was they found out they was
21 the people and that is, they was trying to find out who he
22 was, Mr. Tweel or Mr. Quinn or whatever his name was.

23 Q You say you were taking those people out into
24 the lobby?

25 A No, sir, I was in the lobby.

1 Q I am still going to ask you again, please, sir.
2 What statement did Mr. Sheridan make to you about meeting
3 you somewhere in a car somewhere in Nashville the first time
4 if you hadn't already met him?

5 A I think that that was the first time he told,
6 he asked me what I was wearing, what I would have in my
7 pocket he could identify me with because he didn't know me
8 and when he came in he would recognize me.

9 Q All right. And that is all he told you?

10 A To be by Mr. Quinn, we talked there usually--

11 Q (Interposing) About the meeting, sir?

12 A Yes, sir.

13 Q So all he asked you is what you were wearing and
14 nothing else?

15 A No, he would certainly have to ask me who the
16 man was I was supposed to be there with so he could see who
17 it was.

18 Q Did you have anybody with you when you went to
19 the first meeting with Mr. Sheridan at the car or somewhere
20 else on the street?

21 A No.

22 Q All right. All you told Mr. Sheridan was what
23 you would be wearing?

24 A That is correct.

25 Q And nothing else transpired about that on that

1 telephone conversation?

2 A What do you--will you tell me what you are asking?

3 I don't know whether you mean what we talked about or what
4 we were supposed to do or about what I was wearing or what.

5 Q Mr. Partin, I am asking you a very simple question,
6 I think it's simple.

7 A I know.

8 Q I am asking you in your telephone conversation
9 with Mr. Sheridan wherein you arranged to meet with him at
10 a car or somewhere in Nashville, didn't you state that all
11 you discussed was what kind of clothes you would be wearing
12 and a handkerchief?

13 A And who he was to meet or see who was there,
14 of course, it wouldn't be any purpose for him to walk in
15 the lobby and say, "There he is."

16 Q Who was there wouldn't have anything to do with
17 you meeting him, would it?

18 A It was his purpose of being there.

19 Q Do you mean that you had to have the name of
20 some defendant before you would be able to walk out on the
21 street and meet Mr. Sheridan?

22 A That was, I imagine, in regard to the violation
23 of the law, he wouldn't have any purpose of meeting anyone
24 else I was with unless they had done something for him to
25 be there for.

1 MR. BERKE: If your Honor please, if the Court
2 thinks at this time that the Court should speak to the wit-
3 ness I am willing, otherwise I am going to continue until I
4 get an answer.

5 THE COURT: Mr. Partin, what, if any, instructions
6 were given you by Mr. Sheridan as to where you would meet and
7 talk with him the first time that you did meet and talk with
8 him, which you describe as being in an automobile between
9 the two hotels?

10 THE WITNESS: Your Honor, that was after the
11 meeting in the lobby.

12 THE COURT: Yes, I understand that and there has
13 been some confusion about the meeting in the lobby. The
14 question I am asking is directed to the--you met with him
15 in an automobile?

16 THE WITNESS: Yes, sir.

17 THE COURT: And talked with him?

18 THE WITNESS: Yes, sir.

19 THE COURT: And were you alone at this time?

20 THE WITNESS: Yes, sir.

21 THE COURT: Now, what instruction did he give
22 you as to when and where and how you would meet him there at
23 the automobile?

24 THE WITNESS: He described the car he was in and
25 told me to be walking down the street and I think it was in

1 front of the Noel Hotel, to be on a certain side of the
2 street and he would pick me up.

3 THE COURT: All right.

4 BY MR. BERKE:

5 Q Did you know where the Noel Hotel was?

6 A Yes, I did.

7 Q Had you ever been to Nashville before?

8 A I don't think so, no, sir, unless I passed
9 through it, I don't remember.

10 Q How then, sir, did you know where the Noel Hotel
11 was with reference to the Andrew Jackson Hotel?

12 A Because I had met Mr. Sheridan there, Mr. Berke.

13 Q Oh, I see. You had met Mr. Sheridan at the Noel
14 Hotel so you knew about the Noel Hotel?

15 A Yes, sir, that's what I said.

16 Q All right. Now, when did you meet Mr. Sheridan
17 at the Noel Hotel?

18 A It was within the next day or two after the other
19 meeting.

20 Q Oh, I see. Because you met Mr. Sheridan at the
21 Noel Hotel within a day or two after this first meeting you
22 already knew where the Noel Hotel was?

23 A You could see it from the street there, it was
24 right around two or three blocks.

25 Q But didn't you answer that you knew because you

1 had met him in a hotel two or three days later?

2 A I believe I did tell you that, sir.

3 Q Yes, sir. But that was not the real reason, was
4 it?

5 A It wasn't?

6 Q It wasn't the real reason why you knew where the
7 Noel Hotel was?

8 A I don't remember if it had been any other reason,
9 whether he knew where I was at or not, except I heard the
10 government was staying there by someone making the remark
11 the government officials were staying there.

12 Q All right. Now, you were in a telephone booth
13 and it was dark after you had met Mr. Sheridan in the lobby
14 of the Andrew Jackson Hotel by some means or method and you
15 were making this call and it was nighttime, wasn't it?

16 A If that's what you say.

17 Q Well, am I right, isn't that your testimony?

18 A I met him at dark so it must have been.

19 Q Well, is dark nighttime?

20 A I had called him prior to that also but I mean
21 as far as the meeting, yes, it was dark.

22 Q It was dark when you discussed about the meeting?

23 A Um-hmm.

24 Q Right?

25 A Um-hmm.

1 Q You hadn't been anywhere except at the hotel or
2 to a telephone booth, maybe across the street from the hotel,
3 that's the only place you had been to in Nashville, isn't
4 that right, up until that time?

5 A Maybe around the street walking or something,
6 I don't know, maybe I walked down to the corner because I
7 went down to the corner and ate sometimes.

8 Q All right. You had just arrived there that
9 afternoon, didn't you?

10 A Around noon, yes.

11 Q And you say you went to the corner to eat?

12 A I didn't tell you that, sir, I said sometimes
13 I did.

End Tk 21 14
Tk 22 fls.

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Tk 22 • Partin - Cross
H1

3613

1 Q I'm talking about the first day now that you got
2 there.

3 A We're talking about eating or Mr. Sheridan?

4 Q I'm talking about eating.

5 A I don't know if I went there the first day or not.
6 Some of the other people involved--, well. I had been there
7 several times.

8 Q All I'm asking you, Mr. Partin, you can answer it
9 very simply, from the time that you arrived at the Andrew
10 Jackson Hotel, up until the time you talked to Mr. Sheridan
11 you hadn't been out of the hotel unless it was to go to the
12 telephone booth, had you?

13 A I don't remember whether I had been out or not.
14 If I did it wasn't anything of any importance I don't guess
15 or I would have remembered it.

16 Q All right, when you talked to Mr. Sheridan in the
17 telephone booth did you go back up to your room?

18 A I may have went and checked if I had some calls
19 or went back up in the room briefly, yes, sir.

20 Q All right, what did you do in your room when you
21 got up there?

22 A If I had any calls or anything I would call. I
23 would use the phone, call the numbers if there was anything
24 to call.

25 Q Is that all you did?

1 A As far as I know, yes, sir.

2 Q All right. You went back downstairs, that is
3 true, isn't it?

4 A Yes, sir, I would have had to.

5 Q You still didn't know where the Noel Hotel was,
6 did you?

7 A Are you asking me or telling me?

8 Q Well, I'm saying you didn't know, am I right or
9 am I wrong?

10 A Why should I answer?

11 Q How's that?

12 THE COURT: Just answer the question, Mr. Partin.

13 THE WITNESS: Yes, sir, I knew where the Noel
14 Hotel was.

15 BY MR. BERKE:

16 Q All right, had you seen the Noel Hotel before
17 that time?

18 A I imagine in walking I had seen it walking around.
19 They are not very far from one another.

20 Q Well, don't you know it is several blocks from
21 the Andrew Jackson Hotel to the Noel Hotel?

22 A I don't think it is several block. It might be
23 two or three.

24 Q It might have been two or three.

25 A I don't think it is several.

1 Q Could you see the sign of Noel Hotel from the
2 Andrew Jackson Hotel where you were?

3 A No, not from in the building, no, sir.

4 Q Now, do you want the jury to believe that you had
5 walked by the Noel Hotel that evening and knew where it was
6 at the time you talked to Mr. Sheridan?

7 A I didn't say I walked by the hotel. If I'm not
8 mistaken the Noel Hotel has a big sign on top of it saying
9 Noel Hotel.

10 Q Did you ever see that sign that afternoon?

11 A I don't know about the first day I saw it. I
12 saw the sign on numerous occasions.

13 Q But you didn't see it the first day, did you?
14 You were confined to the Andrew Jackson Hotel?

15 A No, sir, I wasn't confined there.

16 Q Did you go anywheres and see the Noel Hotel sign?

17 A I may have. I may have. I remember the Noel
18 Hotel, though.

19 Q All right, sir. Now, then, did he tell you what
20 side of the street to be on?

21 A Yes, sir.

22 Q What side of the street did he tell you to be on?

23 A I believe he told me to be walking down the
24 right hand side of the street.

25 Q On what street?

- 1 A I don't know the names of the street, sir.
- 2 Q Did he tell you the name of the street?
- 3 A He told me the name but I don't remember the name
- 4 of the street.
- 5 Q And he told you to walk on the right hand side.
- 6 A Yes, sir.
- 7 Q Do you know what street it is now?
- 8 A I said I didn't remember.
- 9 Q You don't know the name of the street?
- 10 A I said I didn't.
- 11 Q What kind of a car did he say he would be in?
- 12 A A chevrolet.
- 13 Q Did he give you the license number?
- 14 A No, sir. Told me what color it was.
- 15 Q What color was it?
- 16 A I believe he told me it would be a blue. Dark
- 17 blue.
- 18 Q You are not sure about that?
- 19 A No, sir. I'm not positive of it. He knew me.
- 20 Q What time did you check into the hotel that
- 21 afternoon?
- 22 A It was around noon, sir. I believe I have stated
- 23 before I didn't know because they were eating in the coffee
- 24 shop.
- 25 Q And did you see all the defendants there eating

1 at the coffee shop?

2 A No, I did not.

3 Q What defendants did you see?

4 A Mr. Tweel. Mr. Quinn at that time. Mr. Tweel.

5 Mr. Anthony Quinn and Mr. Dorfman as he was at that time.

6 Q All right, what other defendants did you see
7 that same day?

8 A I saw Mr. King. Mr. Hoffa.

9 Q Anybody else?

10 A Mr. Tweel later on again.

11 Q Did you see any other defendants there?

12 A I don't believe so, no, sir. I can't recall of
13 it. I don't believe so.

14 MR. SCHIFFER: Can the witness speak a little louder,
15 Judge? We didn't get the last answer.

16 THE COURT: Yes, sir, speak out.

17 THE WITNESS: I said I didn't recall. I didn't
18 think so.

19 BY MR. BERKE:

20 Q What time did you see Mr. Hoffa there in the
21 coffee shop?

22 A I didn't say I saw Mr. Hoffa in the coffee shop.

23 Q Where did you see him?

24 A Up in his room.

25 Q Do you know what time of the day that was?

1 A It was after lunch when he got out of the court.

2 Q Was that the only time you saw him that day?

3 A No, sir, I don't think so. I would see him a lot
4 of times going in and out of the lobby of the hotel when I
5 would be sitting in the coffee shop.

6 Q Is that the circumstances on which you saw Mr.
7 Hoffa that October 22nd, just saw him coming in and out of
8 the room there?

9 A I believe I have told you twice I saw him in his
10 room.

11 Q I beg your pardon?

12 A What did you say?

13 Q You said you saw him twice.

14 A I said I have told you twice.

15 Q Told me twice what?

16 A That I saw him in his room also.

17 Q In his room also?

18 A 740, sir.

19 Q That is in his room?

20 A No, it is not in his room. You are trying to
21 confuse me.

22 Q I'm not trying to--

23 MR. SCHIFFER: I object to that remark and I ask
24 that it be stricken and the witness directed by the Court
25 to be responsive and not to give any orders in this room.

1 THE COURT: Let's proceed. Just respond to the
2 questions yes or no.

3 BY MR. BERKE:

4 Q Being in court is not new to you, is it, Mr.
5 Partin?

6 A I have never been in front of a jury before in
7 my life, sir.

8 Q You have never been required to answer questions?

9 A Yes, sir, I have.

10 Q Have you always responded to the questions asked
11 of you?

12 A I have tried my best to.

13 Q Except for today when you didn't answer my
14 questions which you had a right not to do, did you always
15 answer all other questions that were proposed to you when
16 they were handed to you?

17 A No.

18 THE COURT: In that respect, ladies and gentlemen
19 of the jury, you will draw no adverse inference whatsoever
20 from the fact that a witness might exercise his right not
21 to testify as to matters under the Fifth Amendment. If--
22 Well, I shan't take time at this time to explain to you the
23 importance and the history of that provision of our
24 constitution. But it is a constitutional right that is well-
25 founded in reason and well-founded in history and one of the

1 rights for which this country, our forefathers of this
2 country, fought and you should draw no adverse inference from
3 that.

4 BY MR. BERKE:

5 Q I believe in my question that said which you had
6 a right to do and I'm conceding that.

7 A Yes.

8 Q Now, check your memory, is that the only time
9 that you refused to answer questions?

10 MR. NEAL: Your Honor, this is our objection to
11 that.

12 THE COURT: Sustain the objection.

13 MR. NEAL: In the most vehement terms.

14 THE COURT: Sustain the objection.

15 MR. BRANSTETTER: May it please the Court--

16 MR. NEAL: I think counsel should be admonished
17 of that type of cross examination, Your Honor.

18 THE COURT: Let's proceed.

19 MR. NEAL: Not only that the inference that this
20 witness has not been answering when I have stood up there and
21 heard Mr. Berke, the witness will testify that he saw Mr.
22 Hoffa in his room and counsel will say you say you only saw
23 him in the corridor?

24 MR. BERKE: I didn't say that, if Your Honor
25 please.

TK 22A
EW 1

- 1 THE COURT: Well, we will proceed, gentlemen.
- 2 MR. BERKE:
- 3 Q Now, did you have any conversation with Mr. Hoffa
- 4 on the first day you--
- 5 A (Interposing) Certainly did.
- 6 Q And where did that conversation take place?
- 7 A Up in Mr. Hoffa's room.
- 8 Q Well, he had a suite of rooms there, did he not?
- 9 A Yes, sir, he did.
- 10 Q Which one of the rooms do you say that this
- 11 conversation took place in?
- 12 A The one right inside the door of the one he
- 13 slept in, or right close to it, in other words, you have got
- 14 two rooms there. You turn in and you go around and you are
- 15 in a big, large room, it is a door there. Right in that area.
- 16 Q Was this in this large room?
- 17 A No, sir. I don't think it was in the large room.
- 18 It was right adjoining the large room.
- 19 Q How many different conversations did you have
- 20 with Mr. Hoffa that day?
- 21 A I may have spoken to him later on but that is
- 22 the only one of any distinction that we got into.
- 23 MR. SILETS: I can't hear, your Honor, if the
- 24 Court please.
- 25 THE COURT: He said that was the only one of any

1 distinction. He may have spoken to him on other occasions
2 in the day.

3 BY MR. BERKE:

4 Q Do you remember having a conversation with Mr.
5 Hoffa three days later on October 25?

End Tk 22A⁶
Tk 23 fls.⁷

6 A Oh, yes, sir.

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- 1 Q Where did that conversation take place?
- 2 A I would have to have some method of knowing the
- 3 exact date before I could tie it in with it.
- 4 Q I am giving you the exact date.
- 5 A I mean --
- 6 Q (Interposing) You gave the jury the exact date
- 7 and I am giving you the date.
- 8 A I was able to look.
- 9 Q October 25th.
- 10 A I was able to look at my notes which you had here
- 11 for a minute.
- 12 Q Notes? You mean there is some notes to remind
- 13 you?
- 14 A That you have, sir, here in the record on the
- 15 hotel bills.
- 16 Q All right. Let's say now that you checked in
- 17 on October 25th.
- 18 A You say I checked in on October 25th?
- 19 Q Yes. If you checked in on October 25th, did you
- 20 have a conversation with him on that date?
- 21 A I had a conversation with him just about every
- 22 date.
- 23 Q All right, sir. Now, when Mr. Hooker questioned
- 24 you you were able to relate every conversation, every time
- 25 you arrived in Nashville, the subsequent days and so forth.

• Partin - Cross

1 Now I am giving you the date October 25th.

2 A Uh-huh.

3 Q 1962.

4 A It's a lot of things I didn't tell Mr. Hooker
5 that was in that could have been told that I didn't because
6 I couldn't remember.

7 Q Getting aside from that one, if you will, please --

8 A (Interposing) Yes, sir, that's --

9 Q (Interposing) Follow the instructions of the
10 Court and answer the question.

11 A That's either the date he told me he wanted me
12 to pass something for him --

13 Q (Interposing) On October 25th did Mr. Hoffa
14 make a statement to you and didn't you testify that he did
15 make a statement?

16 A I believe I did. If I could see, I mean --

17 Q (Interposing) Well, I can't show you the state-
18 ment. You didn't take any notes, did you?

19 A I'm not talking about the statement, no, sir, I
20 am talking about the hotel record.

21 Q Did you take any notes, Mr. Partin?

22 A I answered you on that long ago, no.

23 Q Answer me again, sir.

24 A I said no, sir.

25 Q Did you have any kind of recording machine or

1 something to take down everything that you heard so you
2 could review and impress your mind with it?

3 A No, sir, I did not.

4 Q Who has been talking with you about this case,
5 sir, and about your evidence?

6 A When, sir, when do you mean?

7 Q Anybody since you have talked to Mr. Sheridan?

8 A I have talked to Mr. Hooker.

9 Q When did you talk to him?

10 A Before I came on the stand.

11 Q Was that the only time that you talked to Mr.
12 Hooker?

13 A Since then, yes, sir.

14 Q In other words, that one time just before you
15 took the stand was the only time that you talked to Mr.
16 Hooker?

17 A I didn't say that. You asked me when did I talk
18 to him before I came to the stand.

19 Q Well, Mr. Partin, I think you are trying to play
20 on words and I am --

21 MR. HOOKER: (Interposing) We object to --

22 Q (Continuing) -- I'm asking the question and
23 answer the questions.

24 A If you will ask me a specific question I will
25 answer.

1 Q I am asking you, is that the only time or is that
2 the first time that you talked to Mr. Hooker?

3 A No, sir.

4 Q Before you got on the stand?

5 A No, sir.

6 Q All right, sir. Where was the first time that
7 you talked to Mr. Hooker or any other government attorney?

8 A I believe I met Mr. Hooker first in Atlanta.

9 Q When?

10 A To the best -- after the trial here, after the
11 trial in Nashville.

12 Q How soon after the trial in Nashville?

13 A It was several months later, several months.

14 Q Do you remember what month it was?

15 A No, sir, I remember where I met him, though.

16 Q Do you know what season it was?

17 A It would be during the summer months, yes, sir.

18 Q All right. Now, when do you say the summer
19 season begins?

20 A I don't know that, sir, I'd have to look at the
21 calendar to tell that.

22 Q You mean you don't know when summer begins yet you
23 are willing to tell the jury that it was in the summer season?

24 A I certainly am.

25 Q All right, sir. Do you know what months there are

1 in the summer season?

2 A No, sir, I don't.

3 Q Do you know any one month that is in the summer
4 season?

5 A Oh, yes.

6 Q What months?

7 A June, July.

8 Q Is all of June in the summer season?

9 A I am not an authority on that, sir. I don't know.

10 Q All right. Now, is that the first time you
11 talked to Mr. Hooker or any government attorney about this
12 case?

13 A No, I talked to Mr. Neal, I am sure, prior to
14 that.

15 Q When did you first talk to Mr. Neal?

16 A I don't remember whether it was in Nashville when
17 I went in front of the Grand Jury or which one it was I
18 talked to afterwards.

19 Q Now, you see, I didn't ask you where, I just asked
20 you when. Can you fix the time with reference to any event?

21 MR. NEAL: Your Honor, that's exactly what he was
22 trying to do.

23 THE COURT: All right.

24 A It would have been close to the Grand Jury hearing
25 I'd say.

1 Q Would it be before or after?

2 A Afterwards, I believe.

3 Q Are you not sure about that?

4 A No, sir, I am not sure about it.

5 Q Isn't that closer in time than the events which
6 you testified about in October, November, and December, 1962?

7 A Well, I can answer you that if I can qualify my
8 answer.

9 Q Well, just answer it yes and then qualify it, if
10 you wish to, but I think you can prevent rambling on because
11 that calls for asking more questions.

12 A Yes, sir, I can prevent that.

13 Q All right.

14 A Yes, because I remember the reasons. I don't
15 remember too many details because Mr. Buffalino gave me the
16 Fifth Amendment to take in front of the Grand Jury.

17 MR. SCHIFFER: Move the answer be stricken, your
18 Honor, as not being responsive at all.

19 MR. SILETS: Your Honor --

20 MR. SCHIFFER: (Interposing) Another voluntary
21 statement.

22 MR. SILETS: Your Honor, I move a juror be with-
23 drawn and a mistrial be entered, that's highly prejudicial
24 and the witness knew it and he injected it for the purpose of
25 prejudicing this jury.

1 THE COURT: Overrule the motion.

2 MR. BRANSTETTER: The Defendant Campbell joins
3 in the motion for a mistrial or a severance, may it please
4 the Court.

5 THE COURT: Overruled.

6 MR. SCHIFFER: The Defendant Parks makes the
7 same motion.

8 THE COURT: Overruled.

9 MR. ALEXANDER: The Defendant Tweel also.

10 BY MR. BERKE:

11 Q In view of that, --

12 THE COURT: (Interposing) Just a moment, gentle-
13 men. I will take these one at a time. I thought we under-
14 stood it would stand for all defendants, it will be over-
15 ruled as to all defendants and the jury will disregard the
16 question and the answer.

17 MR. BERKE: Just a minute. I understood your
18 Honor overruled the objection.

19 THE COURT: I overruled the motion, those motions
20 that were made on behalf of each defendant.

21 MR. BERKE: But the question and answer stands?

22 THE COURT: No, the question and answer is
23 stricken.

24 MR. BERKE: Oh, it is stricken. All right, your
25 Honor.

1 BY MR. BERKE:

2 Q May I ask you again, sir, in point of time when
3 you first saw Mr. Neal?

4 A It was during the Grand Jury hearings immediately
5 before or immediately after because I only stayed in a little
6 while.

7 Q Well, the Grand Jury hearings lasted for several
8 months, did they not?

9 A That I appeared I'm talking about.

10 Q How is that?

11 A My appearance in the Grand Jury.

12 Q I didn't hear you.

13 A I said in regard to my appearance before the
14 Grand Jury.

15 Q Do you know when you appeared?

16 A No, sir, not unless I could see something to tell
17 me, I am not -- I don't know the exact date, no, sir, I don't.

18 Q Now, you came out with some story about a Billy
19 Wade, an All-American football player?

20 A Uh-hmm.

21 Q When did that conversation take place?

22 A Shortly after I got to Nashville. Those things
23 are distinct because I know the people, even though I may not
24 know the dates I know the people in the conversation.

25 Q All right, sir. And you got to Nashville on

1 October 22nd?

2 A Yes, sir.

3 Q Now, was it that day, was it the next day, or
4 can you tell us when it was?

5 A It wasn't that day or it wasn't the next, it
6 would be two or three days later on that.

7 Q Was it on your first visit when the jury was
8 the primary function, was it on your first visit?

9 A No, sir.

10 Q To Nashville?

11 A No, sir.

12 Q Was it on your second visit to Nashville?

13 A I don't think so, it could have been on the last
14 part. My hotel record will show that.

15 Q On your last visit to Nashville?

16 A I didn't say that, I said on the last part of my
17 second visit.

18 Q The last part of the second visit. All right, sir.
19 How many days did you stay the first time?

20 A I'd have to look at the hotel record to tell you,
21 sir.

22 Q Do you know how many days you stayed the second
23 time?

24 A I would still have to look at the hotel records,
25 I couldn't swear to it.

1 Q All right. I will show you Exhibit No. -- I
2 have it here, your Honor. I will get the first hotel bill,
3 October 22nd.

4 THE COURT: Exhibit No. 98.

5 MR. DALE: 94, your Honor.

6 THE COURT: 94.

7 MR. BERKE: Thank you.

8 BY MR. BERKE:

9 Q And will show you the next exhibit, which will
10 be the first two visits.

11 MR. DALE: It will be 98.

12 THE COURT: 98.

13 MR. DALE: Is the Robertson, James Robertson.

14 MR. BERKE: Thank you, Mr. Clerk.

15 BY MR. BERKE:

16 Q Will you show that to the witness and let him
17 look at it and see which one of these two visits it is that
18 you had a conversation with him about Billy Wade?

End 23 19 A It wasn't either one of these, sir.

23a fls

23a 20 Q How can you tell by looking at that that it wasn't?

21 A Because I remember having a stay in the James
22 Robertson Hotel, sir, and separate it from that and the first
23 day was confined to what I said, the second day was confined
24 to the other part of it is the reason that I know that.

25 Q Well, which day do you say now it is that you say

1 you talked to Mr. Hoffa about Billy Wade?

2 A If I could look at the next hotel bill I could
3 probably tell you.

4 Q Would you have to look at a bill, couldn't I
5 just give you some dates?

6 A No, sir, you couldn't because the dates --

7 Q (Interposing) What is there about the bill or
8 what markings is there about the bill that would give you the
9 information that you are looking for?

10 A It's no markings, sir, it's just the events that
11 happened. I can't remember the dates, but I do remember what
12 happened. I have to kind of tie them in because I can't
13 swear to a date but I can swear to what happened.

End 23a
24 fls

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1 Q Do you mean just by looking at the date on a bill
2 that you can tell the events that occurred?

3 A I can tell the events that occurred close to
4 those bills a lot better than I can you asking me the dates
5 over there.

6 Q If I just wrote on a piece of yellow paper the
7 dates that you stayed at the hotel could you tell from that
8 if you didn't have the bills if I just gave you the same
9 information?

10 A If you would give me the same information there
11 it would be just as good to me, sir.

12 Q All right, sir. Mr. Clerk, may I have the hotel
13 exhibits, please?

14 THE CLERK: Which ones?

15 MR. BERKE: All of them.

16 THE CLERK: No. 99 through No. 107, Your Honor.

17 BY MR. BERKE:

18 Q All right, sir. I would like to show this to
19 the government and let them compare the dates.

20 MR. HOOKER: I'm sure you have got the dates
21 right but this doesn't, if Your Honor please, furnish the information
22 of the name of the hotel.

23 MR. BERKE: They are all there except the second
24 one is the James Robertson, right? All of the rest of them
25 are the Andrew Jackson Hotel?

1 THE WITNESS: Yes, sir, but your local telephone
2 calls I made to Mr. Wade would have to be on the telephone
3 bill where I could tell you for sure on the dates. It would
4 show on the bill.

5 MR. HOOKER: If the witness wants to refresh his
6 recollection he is entitled to see the exhibit, if Your
7 Honor please.

8 MR. BERKE: If Your Honor please, on cross
9 examination I think we are entitled to go into how he secures
10 this information.

11 THE COURT: Well, let's proceed. Not argue.

12 MR. BERKE: We would like to offer that for
13 identification.

14 MR. HOOKER: Of course, we can't tell whether they
15 are right without looking at the exhibits. I didn't look
16 at them. I just accepted Mr. Berke's statement that the dates
17 were right. I am sure they are.

18 MR. BERKE: Subject to correction.

19 THE COURT: If that helps refresh his recollection,
20 he can say so.

21 MR. BERKE: All right, I would like to pass that
22 to the witness and introduce that in evidence.

23 THE CLERK: No. 115, Your Honor.

24 (The yellow piece of paper referred to above by
25 Mr. Berke was marked Exhibit No. 115 for
identification only.)

1 THE WITNESS: Without looking at the telephone
2 date on that I couldn't pin it down to the exact date, no,
3 sir. I can tell you which one I thought it was on but it
4 would have to be a local call.

5 BY MR. BERKE:

6 Q Would this have to be a hotel bill, sir, that you
7 would have to look at to see when you made a long distance
8 call?

9 A No, it would have to be on the hotel bill if I
10 made a local call. But I didn't make very many local calls.
11 I would pretty close identify it with that local call on the
12 bill.

13 Q How many local calls did you make?

14 A I didn't make very many. Most of them were long
15 distance.

16 Q Can you tell us how many you made?

17 A No, sir, I couldn't. I could look at the bill
18 and tell you.

19 Q I will ask you to look at what you are trying to
20 look at now and that is Exhibit No. 94. Now you say you
21 remember the phone calls, how many local phone calls are
22 there on that first date?

23 A Well, it all depends on how much they charge.
24 It is eighty cents for a phone call. I don't know if that
25 is long distance or not. It doesn't say long distance. It

1 says phone eighty cents. It is twenty cents a call that
2 would be four calls that day.

3 Q Who did you make those calls to?

4 A I may have made to Mr. Sheridan on one of them.
5 I may have called another room or something. I don't know,
6 another hotel or something.

7 Q How would looking at the phone bills tell you
8 what persons that you called?

9 A Because I remember calling Mr. Wade and then
10 trying to call Chicago trying to get ahold of him afterwards.

11 Q Will the long distance calls show what city on
12 these exhibits that you called?

13 A I don't see how they would, sir.

14 Q Well, how then would seeing the exhibit help you
15 identify that you made a long distance call to Chicago?

16 A I didn't make them long distance calls to Chicago
17 from the room. It wasn't completed so it wouldn't be on
18 the record anyway.

19 Q So how would that be of any help to you?

20 A I didn't call long distance sometimes. I made a
21 local call to Billy Wade's home in Nashville.

22 Q Now, would you look at these exhibits and pick
23 out what exhibits you say will refresh your memory that you
24 called Mr. Wade and I believe you also said a Phil King, did
25 you not?

1 A No, sir, I didn't say I called Mr. King. It
2 would be during this visit or the first part of this hotel
3 bill here, one of those times I was there that I called Mr.
4 Wade.

5 Q Well will you read the exhibit number? May I
6 approach the bench? It would be easier to cross examine on
7 this item if Your Honor please. May I approach the witness?

8 THE COURT: All right.

9 BY MR. BERKE:

10 Q You are pointing to Exhibit No--, these two now
11 right here?

12 A That's correct.

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1 Q One, Exhibit No. 100 and the other one is
2 Exhibit No. 99. Now, when you testified for Mr. Hooker you
3 didn't have any doubt as to which bill it was, did you?

4 A No, not exactly I didn't have any. About the
5 dates I did. But the chain of event that led up to it I
6 knew the sequence of what happened along the way and that
7 fitted in pretty close to what he said.

8 Q You had it pretty well rehearsed from event to
9 event but when I scattered the events you can't answer it,
10 can you?

11 A If I had it well rehearsed you would have had a
12 lot more than you have.

13 Q Well, did you answer Mr. Hooker without any
14 equivocation?

15 A I said I think this is the time. He said what
16 happened afterward? I said I think that is the time and so
17 forth.

18 MR. SCHIFFER: I can't hear the witness, your
19 Honor.

20 BY MR. BERKE:

21 Q Are you telling the jury that on one of these
22 things you told him you think that is right?

23 A Some of them, all the trips to California and
24 so forth. And Newark.

25 MR. NEAL: Your Honor, I object to this, as a

1 matter of fact, it was the defendants who kept insisting on
2 dates, dates, dates, and the witness said I think, yes. The
3 witness is entitled to give his best recollection. You can't
4 expect a man to give every date.

5 MR. SCHIFFER: We object to the last statement.

6 THE COURT: Proceed, gentlemen.

7 BY MR. BERKE:

8 Q Now, sir, let you and I examine these two
9 exhibits.

10 A All right.

11 Q And tell me what there is on these exhibits that
12 you looked at that referred you to the telephone calls of
13 Mr. Wade?

14 A Yes, sir, I will be glad to. When I came in
15 remembered the first time I came in when the question was
16 asked of me by Mr. Hooker.

17 MR. SILETS: Your Honor, I can't hear a word.

18 THE COURT: Yes, that is the problem, Mr. Berke,
19 of you standing there.

End Tk 24A
Tk 25 fls.

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1 THE COURT: Yes, that is the problem, Mr. Berke.

2 MR. BERKE: Yes, your Honor.

3 THE COURT: Of standing there.

4 MR. BERKE: Yes. I would like for him to point
5 out in these exhibits, if he would just point them out he
6 could make his explanation later.

7 Q Can you, while I am standing there, point to
8 anything on these exhibits that leads you to say that is the
9 time you had the Billy Wade conversation with Mr. Hoffa?

10 A No, sir, I cannot without qualifying it to the
11 jury so they could understand what I am talking about.

12 Q Is there anything on these exhibits that you can
13 point to or mark that will give you any hint?

14 A The only thing --

15 Q (Interposing) As to the time?

16 A As I said, because of the events that happened
17 and the sequence, when you take and throw them back there
18 I would have to look at about when I was there to know when
19 they happened because one happened after the other, I can
20 name you off the events, one behind the other without the
21 date, sir, it's easy if you would like for me to.

22 Q I believe you can do that, sir.

23 A I certainly can.

24 Q If I started from the beginning and you had it
25 rehearsed to the end, but I am talking about when I ask you

1 individually you cannot do it, can you?

2 A I certainly could come close enough that I would
3 be honest about it, I wouldn't be trying to mislead you.

4 Q Was Phil King's name ever mentioned?

5 A Yes, it was.

6 Q Now, you said one time that Mr. Hoffa took an
7 Alka-Seltzer and you told us in the record what day it was.
8 Can you now tell us what date Mr. Hoffa took an Alka-Seltzer?

9 A If it was led up to me, I could tell about what
10 time.

11 Q If they led you right into it, you could do it?

12 A They don't have to lead me, sir, I know what
13 happened. I didn't say it on that date so and so would
14 happen under no conditions was it different, I tried to go
15 step by step the days I was there and the trips.

16 Q Step by step?

17 A Yes, sir.

18 Q But can you tell us within three or four days
19 even of when Mr. Hoffa took an Alka-Seltzer?

20 A I can easily tell you when the bank witness was
21 on the witness stand subpoenaed by the government to testify,
22 when he came in from court that day he --

23 Q (Interposing) You mean it takes somebody else's
24 evidence to do that, not your own?

25 A No, sir, my evidence.

1 THE COURT: Allow him to complete the answer.

2 MR. BERKE: If your Honor please, if you will
3 instruct. I don't mind bantering with him, I can stay with
4 him.

5 THE COURT: I believe, Mr. Berke, you interrupted.

6 MR. BERKE: I am sorry if I did. I am certainly
7 sorry because I've let him answer completely and I want to
8 apologize to you, sir.

9 THE COURT: All right.

10 BY MR. BERKE:

11 Q But the only question I am asking you, sir, if
12 you can answer it, please, can you tell me within three or
13 four days of when Mr. Hoffa took that Alka-Seltzer about
14 which you testified so vividly in the record?

15 A Yes, sir, it was three or four days short of
16 maybe or more, maybe a day longer when he took it. Now, I
17 have to qualify that, sir, I can't answer you without quali-
18 fying my answer.

19 MR. BERKE: If your Honor please, I think he
20 should answer and then qualify it. We would get along better.

21 A I did. I answered you, sir, but I want to
22 qualify my answer.

23 Q Can you tell us --

24 THE COURT: (Interposing) Just go ahead and
25 answer, make any explanation.

1 Q You can tell us. You can answer this yes or no.

2 A Will you let me?

3 Q Can you tell us within three or four days when
4 Mr. Hoffa took the Alka-Seltzer which you said was so unusual,
5 which impressed you?

6 A Will you allow me to qualify my answer?

7 Q No, I won't. If the Court will, it's all right,
8 but I think you should answer and then qualify it. Can you,
9 within three or four days, tell us when Mr. Hoffa took an
10 Alka-Seltzer?

11 A Yes, sir, I can.

12 Q All right, now, give me the date within three
13 or four days.

14 A I didn't say I would give you the date. I said
15 I would tell you the event that would tie it in with the
16 date.

17 Q Let me ask you again then so I can get a yes or
18 no answer. Can you give me the date within three or four days
19 of when Mr. Hoffa took that Alka-Seltzer?

20 A If you are going to allow me to qualify it, I can.

21 Q I think you can answer yes or no.

22 A I am not --

23 THE COURT: (Interposing) State your answer,
24 give any explanation you care to.

25 A Yes.

1 Q All right.

2 A With qualification.

3 THE COURT: All right.

4 Q Now, give us the date within three or four days.

5 A If I came there on the 22nd, it would be within
6 five or six days of the date I got there, I'd say about three
7 days probably or maybe four.

8 Q All right, sir, three from the date that you got
9 to Nashville?

10 A I said that's what I said I wanted to qualify my
11 answer on. Now, I want to qualify my answer now.

12 Q You didn't qualify your answer when you answered
13 that question from Mr. Hooker, did you, you answered outright
14 and direct?

15 A Well. Will I be allowed to qualify my answer?

16 Q Will you please answer yes or no?

17 A I haven't qualified the other answer yet.

18 Q I thought you had already qualified and expressed --

19 THE COURT: (Interposing) Mr. Partin, just state
20 your answer, don't ask about what you can do or you cannot do,
21 just state your answer and make any explanation that you
22 desire to make.

23 A I said within -- I would guess about four days
24 because when the event was led up it fit with the banker
25 witness being on, I remember it was about four days or five

1 days after I was there, somewhere along in there.

2 The dates wasn't important to me at the time
3 because I wasn't keeping the dates and I wasn't keeping
4 notes, I was turning over the information to someone else,
5 they were keeping up with that, not me.

6 Q You have exhibits which I have given you, the
7 yellow page. Wouldn't the first two visits, cover the first
8 three or four days?

9 A I believe you have it back, sir.

10 Q Well, you have the yellow page there which gives
11 you the information. Wouldn't the first two checkins at
12 the hotel cover three or four days? Can you answer that, Mr.
13 Partin?

14 A It wouldn't be in the first two checkins, in my
15 opinion, I think it was in the third, in the third time,
16 around the 28th, in that period.

17 Q So you couldn't give me -- you couldn't give me
18 a direct answer then within three or four days, can you?

19 MR. NEAL: Your Honor, he is arguing with the
20 witness.

21 THE COURT: Sustain the objection.

22 MR. SILETS: Your Honor, I must indicate that I
23 saw Mr. Neal indicate approval when the witness gives the
24 right answer as Mr. Neal desires it and in the presence of
25 the jury. He knows that is improper.

1 MR. NEAL: I apologize if I was doing that, your
2 Honor.

3 THE COURT: I sort of gather you gentlemen have
4 chosen up sides in this lawsuit.

5 MR. BERKE: Yes, your Honor.

6 THE COURT: I think some things you approve of
7 and some things you disapprove of.

8 BY MR. BERKE:

9 Q See if you can answer this question, sir: Did
10 you or did you not testify that the date that he took
11 the Alka-Seltzer, and I am not saying I am giving you the
12 right date or the wrong date, did that occur on October 30th,
13 which would have been eight days later?

14 A Well, that would have been within the period I
15 gave you so it would have been correct.

16 MR. SCHIFFER: I can't get the answer, we just
17 can't hear him over here. I am sorry.

18 THE COURT: All right. Continue to keep your
19 voice up then.

20 THE WITNESS: Yes, sir.

21 BY MR. BERKE:

22 Q Now, you told Mr. Hoffa that Judge Miller in
23 Nashville had information about something in connection with
24 a jury and that he was using profanity?

25 A Do what now?

25-8

• Partin - Cross

3648

1 Q Did you say anything about somebody went to Judge
2 Miller and told him something about jury tampering and that
3 Mr. Hoffa was mad and used profanity?

4 A I don't remember that, I mean if it was I don't
5 remember, I don't remember going to a Judge.

End 25
25a fls

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1 Q I didn't say you went to a judge. Did you tell
2 the jury, and you used some profanity, mild profanity, that
3 the dirty blank-blank told the judge?

4 A Oh.

5 Q About \$10,000?

6 A Yes, I did.

7 Q All right. When do you say that Mr. Hoffa told
8 you that?

9 A It was right after--right after I checked in,
10 the reason I remember this distinctly, sir, if you wonder, is
11 because I was in the James Robertson Hotel and I left from
12 there and went over there, that's the distinction I can
13 remember.

14 Q Was that on the day that you arrived?

15 A Yes, sir, it certainly was.

16 Q And you remeber that?

17 A Yes, I do because I was in a different hotel.

18 Q As a matter of fact, the headlines came out in
19 the paper, did it not, about this incident?

20 A I never read in the paper before I had seen him,
21 I don't remember whether I even read it.

22 Q Now, can you fix the date when that occurred?

23 A Yes, sir, I can come closer to it than I can
24 some of the others because the 22nd, the 23rd, it was--if
25 you would allow me to look at this I can tell.

1 Q Yes, sir, I will allow you to look at it.

2 A It would be the 25th, according to your notes
3 here I am--I mean I am going from your notes.

4 Q All right.

5 A Okay.

6 Q It would be the 25th?

7 A Yes, sir.

8 Q Don't you know, sir, that that occurrence occurred
9 on the 26th when Judge Miller announced in court that for the
10 first time that information had come to him?

11 A I don't doubt that.

12 MR. NEAL: Your Honor, that's not accurate at
13 all and the records of the last trial will show it and this
14 is not what this witness is testifying to. He is testifying
15 to what the Defendant Hoffa said to him.

16 THE COURT: Let's stay within the record if you
17 are going to ask.

18 MR. NEAL: I can establish that that is not an
19 accurate statement on the record of the last case.

20 MR. BERKE: I have got the record and I have the
21 page numbers if you want.

22 MR. NEAL: If you will check it you will see
23 October the 24th in a conference in chambers in which I can
24 tell you the people present October the 24th, 1962.

25 MR. BRANSTETTER: Now, may it please the Court,

1 I don't know what counsel here is arguing about because I
2 wasn't in that case and the Defendant Campbell wasn't in that
3 case and I move the Court for a mistrial as to the Defendant
4 Campbell at this time. This continual argument back and
5 forth as to what one did here or somewhere else is highly
6 prejudicial.

7 THE COURT: Overruled.

End Tk 25A
Tk 26 fls.

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1 MR. NEAL: Your Honor, the only point I am
2 making, it is difficult to be cross examined. Mr. Berke has
3 a right to cross examine.

4 MR. SCHIFFER: Object to those statements at this
5 time on the part of counsel. This has an improper effect
6 upon the jury. Pardon me, may I finish my objection?

7 MR. NEAL: I thought--

8 MR. BRANSTETTER: May it please the Court, I
9 thought I was first.

10 MR. BERKE: I don't know what I am doing here.

11 THE COURT: Well, I know what we are doing and
12 that is we are going to proceed, gentlemen. Overrule all
13 objections on both sides.

14 MR. NEAL: Your Honor, may we have the question
15 read back? I think your Honor will see that he is asking
16 something that doesn't pertain to this witness' testimony.
17 This witness merely testified what the Defendant Hoffa said.

18 MR. BRANSTETTER: I am still objecting to what
19 I said I have a motion for a mistrial on the desk at that
20 time.

21 MR. SCHIFFER: The Defendant Parks objects.

22 THE COURT: The motions are overruled and we will
23 proceed, gentlemen.

24 BY MR. BERKE:

25 Q During this period of time, Mr. Partin, you were

1 under considerable pressure, weren't you?

2 A Well, I wouldn't say that I was under any more
3 than extraordinary pressure because ever since I've been a
4 Teamster I've been under some kind of pressure.

5 Q And you've been a Teamster how long?

6 A Since 1947, I believe.

7 Q Now, during this period of time you had more
8 charges placed against you than at any other time in your
9 life, did you not?

10 A As far as being charged, yes, sir. Since I was
11 affiliated with the Teamsters.

12 MR. SILETS: I didn't get the balance of that
13 question.

14 MR. BRANSTETTER: May it please the Court, this
15 witness says again because I was affiliated with the Teamsters.
16 Now, one of these defendants here that I represent is also
17 affiliated with the Teamsters and I object to the side remarks
18 continually being made by this witness. They are either put
19 up or acknowledged or this person is experienced at this kind
20 of thing and anybody can observe that and I move for a mis-
21 trial again.

22 MR. SILETS: Your Honor, my client isn't even a
23 Teamster and all of this conversation is patently prejudicial
24 to him and I also move for a mistrial.

25 MR. ALEXANDER: We're in the same position as Mr.

1 Silets, your Honor, our man is not only not a Teamster but
2 he is anti-labor.

3 THE COURT: Well, disregard the argument of the
4 attorneys, ladies and gentlemen, overrule the motions.

5 BY MR. NEAL: Your Honor, may we object to it
6 being repetitious? It has been gone over.

7 MR. BERKE: It is not repetitious.

8 THE COURT: Overruled. Are you referring to the
9 question or the objection as being repetitious?

10 MR. NEAL: No, your Honor, I was referring to
11 Mr. Berke's questions.

12 THE COURT: Well, it is overruled in any event.

13 MR. NEAL: All right, sir.

14 BY MR. BERKE:

15 Q Mr. Partin, what were you coming to Nashville
16 for?

17 A I can answer part of it but I can't answer the
18 other part, sir.

19 THE COURT: Just give the answer the best you
20 can. If you can't answer say so.

21 THE WITNESS: He had told me he wanted to talk
22 to me and that we had a strike going on at the Louisiana
23 Creamery and we were supposed to use that for an excuse to
24 come up there. That is what he told me to use it for as an
25 excuse when I come in case anyone questioned me.

1 MR. BERKE:

2 Q Was that strike still going on at that time?

3 A Oh, yes--no, the strike hadn't started at that
4 time. It was in regard to negotiations that had broken off.
5 The strike is still going on now.

6 Q But there was no strike called at that time?

7 A No, sir, it wasn't called at that time because
8 I wasn't there to negotiate. I was here at Nashville.

9 Q In fact, the strike did not occur until when?

10 A January 3rd.

11 Q What year?

12 A 1963.

13 Q All right. So in October, the strike didn't
14 have anything to do with it, did it?

15 A No, it wasn't at my request to have a Louisiana
16 Creamery injected into it. It was Mr. Hoffa's idea to use
17 that as an excuse.

18 Q So then tell us again what was your purpose in
19 going to Nashville?

20 MR. NEAL: Your Honor, hasn't he testified on
21 business matters and personal matters?

22 THE COURT: Overruled. Answer it again.

23 THE WITNESS: Business matters and personal
24 matters, sir.

25 BY MR. BERKE:

1 Q You agree with Mr. Neal then?

2 A Well, he agreed with what I said the other day
3 so I am just agreeing with him.

4 Q Yes, sir. Now, what business matters did you
5 have to attend to?

6 A I wouldn't have known until I got there and talked
7 to him, as far as what he wanted me to do.

8 Q What personal matters did you have to attend to?

9 A Well, that is one that he wanted to discuss with
10 me that I can't answer you, sir.

11 Q Was this personal between you and Mr. Hoffa?

12 MR. SCHIFFER: Pardon me, Mr. Berke.

13 MR. BERKE: Go ahead, I am sorry.

14 MR. SCHIFFER: At this time, your Honor, so far
15 as the Defendant Mr. Parks is concerned I submit, your Honor,
16 that we want this witness to tell the entire story, not keep
17 back from this jury anything. As far as Mr. Parks is con-
18 cerned we take that unequivocal position, your Honor, we
19 believe it is manifestly unfair for this witness to give an
20 answer that leaves an influence of something dirty and
21 illegal which is something he don't want to talk about. It
22 may involve Mr. Parks, if it does, let him say so. But we
23 want him to give a full answer and not these half innuendoes.

24 THE COURT: At this time the jury may be excused.

25 (Thereupon, the jury of 12 and 4 alternates were

1 excluded from the courtroom and the following proceedings
2 were had, to-wit:)

3 THE COURT: Mr. Partin, does this matter in any
4 way relate to any matters upon which the Court gave you
5 instructions this morning?

6 THE WITNESS: Indirectly, sir, yes, because it
7 was the end of a conversation that started several months
8 before. I mean, part of the conversation got into it,
9 indirectly it does, yes, sir. The conversation started
10 several months before but some of it was brought into that.

11 MR. BERKE: If your Honor please, I think he can
12 answer and still leave that part off, if your Honor please,
13 to comply with the Court's ruling but not to hide behind a
14 ruling and to do anything at all about it. I think he should
15 just go on and state what personal matters he wanted to dis-
16 cuss or thresh out with Mr. Hoffa.

17 THE COURT: All right. Well, let's take a
18 10-minute recess. We will resume at that time.

19 MR. SCHIFFER: May the witness be cautioned not
20 to talk to any officials?

21 THE COURT: The Court instructs you not to talk
22 to anyone or allow anyone to talk to you during recess.

23 (Thereupon, at 2:50 o'clock P.M., court was in
24 recess.)

Tk 27 •
H1

Partin - Cross

3658

1 THE COURT: All right. Mr. Partin, again just
2 answer the questions. Give direct answers to questions, either
3 if you can't answer them, if you can't, say that you can't
4 and let's move along.

5 Have the jury come in.

6 (Thereupon, the jury of 12 and 4 alternates
7 returned into open court and the following further proceedings
8 were had, to-wit:)

9 THE COURT: You may proceed, Mr. Berke.

10 MR. BERKE: Yes, Your Honor.

11 BY MR. BERKE:

12 Q Mr. Partin, are you telling us now that without
13 having these hotel bills in front of you that you cannot
14 relate any of the conversations that any of the parties had
15 unless you had that in front of you?

16 A No, sir, I can relate all of the events, I may not
17 put them in line like you want me to because they was given
18 down but I know the events in their entirety, the dates, I
19 didn't keep dates and things myself, I just refreshed my
20 memory from the hotel, you know, the hotel records and try to
21 go from them on the events.

22 Q The events as they relate to the different
23 counts of the indictment?

24 A No, I wouldn't--, I don't know anything about
25 the counts of the indictment, sir, I am talking about what

1 I gave to Mr. Sheridan.

2 Q Now, Mr. Partin, you remember you have testified
3 here before this Judge Wilson right here on a legal matter
4 that we had here when we questioned you in the absence of
5 the jury and you were asked if you recalled the incident of
6 December 5th, I believe it was the 4th or 5th, when Mr.
7 Hoffa was shot in the courtroom in Nashville. Do you remember
8 that and you said you were there?

9 A I said I was there, yes, sir, I was there when
10 he was shot at with a pellet gun, yes, sir.

End 27

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Q:

1 Now before Mr. Hooker had an opportunity to present these
2 hotel things to you, didn't you tell us and lead His Honor
3 here to believe that you were in Nashville from October 22nd
4 clean up until the time of the shooting each and every day?

5 A No, sir, I did not.

6 Q All right, I will read you here from Page--

7 MR. BROWN: Your Honor, I object to Mr. Neal
8 indicating to the witness sitting over there and shaking
9 his head back and forth.

10 MR. BERKE: Mr. Neal, if you can, I would
11 appreciate it if you can restrain yourself.

12 BY MR. BERKE:

13 Q I'm going to ask you on Page 3033 of this record
14 in this case if you were asked this question by Mr.
15 Branstetter. Stand up, Mr. Branstetter, so that there will
16 be no question about it. (Mr. Branstetter standing.)
17 This gentleman right here. Do you remember him asking you
18 questions?

19 A Yes, sir, I remember him well.

20 Q And he asked you this, "Question: In order to
21 refresh your recollection you were in Nashville registered
22 at the Andrew Jackson Hotel, beginning October 22nd?"

23 And then you answered, "Answer: If that is the
24 same receipt."

25 Do you remember making that answer?

1 A I believe I do.

2 Q All right. "Question: This is the same receipt?

3 "Answer: That's correct, sir.

4 "Question: And you were still in Nashville on
5 December 5th?

6 "Answer: I will have to look on it."

7 This is your answer. "I will have to look on it
8 to be sure."

9 Did you answer that way?

10 A I probably did, sir, if you read it there.

11 Q Well, then he asked you this question, "Question:
12 Well, could I ask you this, do you recall to refresh your
13 recollection, do you recall a shooting in a room in Nashville?"

14 And you answered, "Answer: Yes, I do."

15 A I do.

16 Q Is that right?

17 A I do.

18 Q "Were you present then?"

19 A Yes, sir, I was.

20 Q Yes, I was, exactly the answer you made.

21 A Yes.

22 Q Then this question, "Question: Had you been
23 present each day from the 22nd through the 5th or the 4th
24 whenever this occurred?"

25 And didn't you answer, "Answer: I would guess

1 I had, sir. I couldn't remember."

2 A I did answer that. He said in the courtroom
3 when I was there whether every day my understanding was he
4 meant did I go to the courtroom every day which I said I
5 guess I did. I don't remember if I missed any.

6 Q Then you were asked, "Question: Each day you
7 were staying at the Andrew Jackson Hotel. Is that correct?"

8 "Answer: I guess so."

9 Well, do you guess so or do you know?

10 "Answer: Well, I had stayed in other places
11 also, Mister."

12 "Question: And you returned to the Andrew Jackson
13 Hotel in the evening?"

14 Were you asked that?

End 28
Tk 29 fol.

15 A Yes, sir.

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1 Q Then you answered, "I may have went to a show,
2 I may have went downtown or somewhere else, I don't know if
3 I went immediately or I went after I went to the show or
4 whether I ate or what."

5 Then question, "Well, did you return to the hotel
6 each evening?"

7 "I would have to say yes, I was staying there."

8 A That is correct.

9 Q Why didn't you tell the Court and defense counsel
10 before all of these exhibits were introduced by Mr. Hooker
11 that you had checked in and out of the hotel 10 or 11 different
12 times?

13 MR. NEAL: Your Honor, I object to that. No one
14 is in doubt as indicated on page 3049 of the transcript, the
15 Court asking this witness, and this is the Court's question:
16 "And you were in the courtroom every day you were in Nashville
17 that the trial was in progress?"

18 Again, "And you were in the courtroom every day
19 you were in Nashville that the trial was in progress?"

20 Now, there was no doubt about it, Mr. Berke is
21 trying to --

22 MR. BRANSTETTER: (Interposing) May it please
23 the Court, I object to counsel trying to argue the case at
24 this point on cross examination at this particular time and
25 Mr. Neal is trying to present matters --

1 THE COURT: (Interposing) Overrule the objection.
2 The witness can make any explanations.

3 BY MR. BERKE:

4 Q So you did tell Mr. Branstetter that you were in
5 Nashville every single day from the 22nd up until the time
6 of this shooting?

7 A If I did I didn't answer him in that way, no, sir,
8 the answer wasn't intended to be that way.

9 Q And, of course, if at that time you hadn't seen
10 a single one of these hotel registers, which on that morning
11 Mr. Hooker had in his file, did you at that point, you didn't
12 have the benefit of these records?

13 A Well, I would have seen them when I checked in
14 or out, I had records myself.

15 Q Do you need to look at these markings at the
16 top, at the top of the thing in order to get a clue from what
17 you had to testify?

18 A No, sir, I am not getting a clue to the dates, I
19 am getting a clue to the events regardless of dates. I know
20 what happened.

21 Q All right, sir. Now, I have folded down one of
22 these hotel bills that does not -- where you cannot see the
23 markings.

24 MR. NEAL: Your Honor, I still want to object to
25 the last question and answer. I didn't understand what page

1 you were citing from, sir.

2 MR. BERKE: I will read it again.

3 THE COURT: Well, let's move along.

4 MR. NEAL: According to my transcript here one
5 hotel bill shows him checking in and out is already in
6 evidence.

7 MR. BERKE: Those were his answers. I have just
8 read them exactly as they were in the record.

9 THE COURT: Well, it's not possible to go back
10 and read the entire previous transcript. At this time
11 reading portions of it may or may not reflect what was said.

12 MR. BERKE: May I approach the witness, your
13 Honor?

14 BY MR. BERKE:

15 Q Now, with the top having folded down, where you
16 can't see the markings on top, look at this here and tell us
17 what conversations with what defendant was had on what days
18 just by looking at that record there?

19 A I wouldn't attempt to and swear to the dates
20 without knowing the events that led up to it step by step,
21 I wouldn't attempt to because I reported them as they
22 happened and that's the reason I remember them as they
23 happened.

24 MR. BERKE: May I let the record show that I have
25 shown this witness Exhibit No. 100.

1 BY MR. BERKE:

2 Q To be absolutely sure, Mr. Partin, can you recall
3 one little incident, I don't care how minor it is now -- wait
4 a minute, you are folding that back up there.

5 A November 4th.

6 Q Just a minute, let me give you another one. I
7 have asked you not to do that, there are some markings on
8 there, isn't there?

9 A Well, if they are I would like to know where they
10 are. Maybe I could answer you.

11 Q Why did you fold that back up, sir, when I
12 specifically asked you not to do it?

13 MR. NEAL: Now, your Honor, that was an improper
14 remark that there are marks on here. I ask that it be
15 stricken and I ask this be shown to the jury and let the
16 jury see whether there are marks.

17 MR. BERKE: If your Honor please, this is not the
18 time to argue the case.

19 MR. NEAL: I think it's not the time to make
20 suggestions to the jury that there are some markings on an
21 exhibit here. I suggest that it be shown to the jury to see
22 whether there has been any markings on there or not. I sug-
23 gest that, Mr. Berke.

24 THE COURT: All right. Allow it to be introduced.

25 MR. NEAL: Apparently he doesn't want to show it

1 to the jury.

2 MR. BERKE: The jury will have ample time to see
3 it, but I don't want my cross examination interrupted at this
4 time.

5 MR. NEAL: Well.

6 MR. BRANSTETTER: May it please the Court.

7 MR. NEAL: He made the remark, your Honor, I
8 would like the jury to see whether there's markings on that
9 or not.

10 MR. BRANSTETTER: May it please the Court, I think
11 the matter should be taken up in the absence of the jury or
12 we be permitted to state to the Court with the witness absent
13 exactly what is being referred to as marks. I don't mind
14 doing it in front of the jury if Mr. Neal wants it done.

15 MR. NEAL: Let the jury see what Mr. Berke
16 referred to as marks on an exhibit.

17 MR. BERKE: If your Honor please, if I get
18 through with this line of questioning, if your Honor please,
19 I have no objection to the jury seeing these exhibits, but I
20 just don't want to be interrupted. I would like to continue
21 my cross examination on this particular field.

22 THE COURT: All right. Well, let's proceed and
23 let's stay within the record.

24 MR. NEAL: Then we move that the statement
25 of Mr. Berke's about marks on the exhibits be stricken since

1 he doesn't want to show it to the jury.

2 MR. BERKE: Now, if your Honor please, that --

3 THE COURT: (Interposing) Disregard that.

4 MR. BERKE: That is likewise a misstatement and
5 I ask the Court to instruct the jury to disregard that. I
6 never did say I didn't want the jury to see it. I do want
7 them to see it after I have had an opportunity to develop
8 this line of cross examination.

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Partin - Cross

3669

1 THE COURT: Proceed.

2 BY MR. BERKE:

3 Q Now, I will hand you Exhibit No. 99 and this is
4 folded down, will you please now not unfold that.

5 A Well, you can hold it.

6 Q Let it set right there and look at Exhibit No. 99
7 and tell us what defendants said what to who and where and
8 when as you did when Mr. Hooker presented that exhibit to
9 you.

10 A Would you want to put the other one down, sir,
11 with it so I can go forward to it?

12 Q I want you to look at that exhibit and see if you
13 can do that first, sir.

14 A Well, let's see, the 28th--, yes, sir, that
15 would have been some of the conversation with Mr. Tweel on
16 the telephone. That would have been the conversation with
17 Mr. Fields in that time. About having him in his hip pocket.
18 Mr. Hoffa. It would be a conversation about the patrolman
19 involved in that period of time. Would be a conversation
20 that you recollected my memory on about a 60-year old juror
21 that lived out in the country. Had an 80-year old mother.

22 I think that would all fall along in that time.
23 If I could have went forth from the first day I could have
24 given it to you event by event.

25 Q All right, sir. What is the date of that exhibit

1 that you looked at now, the beginning date and the ending
2 date?

3 A You have the beginning date folded up, I believe
4 the 31st.

5 Q No, sir, you are looking at the top date.

6 A October 28 is the top date?

7 Q Yes, sir.

8 A What was the question, sir?

9 Q And what is the ending date?

10 A October 31st.

11 Q Anything else you remember happened that time?

12 A If it wasn't taken step by step I couldn't
13 remember in detail, no, sir, because the events happened
14 step by step. The information I had was turned over to Mr.
15 Sheridan step by step. He didn't tell me to keep the dates
16 and time and place. I assumed he would do that. So the
17 events as they happened will refresh my memory step by step
18 regardless of the dates.

19 Q Since the Grand Jury has returned an indictment
20 in this case, how many different times have you talked with
21 government attorneys concerning this case?

22 A Would you allow me a minute to think, sir, so I
23 can get it close as I can?

24 Q Yes, sir, take all the time you wish if it is
25 all right with the Court.

1 A I guess you are speaking about the two gentlemen,
2 three gentlemen there whoever it is sitting across from you?

3 Q Or any other government attorneys.

4 A Do you mean asking questions or what?

5 Q I think my question is clear, sir.

6 A Just talked about the case?

7 Q Well, I--

8 A (Interposing) Well, I would guess over the
9 period of, two of the dates was in Columbia, Tennessee.

10 MR. SCHIFFER: I can't hear the witness, Your
11 Honor.

12 THE WITNESS: Two of the dates was in Columbia,
13 Tennessee. I don't know the exact date of those visits. I
14 believe once or maybe twice here in Chattanooga. Once or
15 twice. Or maybe three times. I would say six or eight times
16 over the period of time just guessing, just guessing.

17 BY MR. BERKE:

18 Q What other cities did they meet you in other
19 than Columbia and Chattanooga?

20 A To discuss the case, I think only Columbia and
21 Chattanooga and may have been Baton Rouge one time but none
22 of these gentlemen.

23 Q Any other towns?

24 A I can't recall off-hand sir, I don't think so.

25

1 Q Would Atlanta ring a bell to you?

2 A Well, that wasn't discussing the case. I think
3 that is when Mr. Hooker was into the case. It wasn't discussing
4 the case as such, no, it certainly wasn't.

5 Q Just passing the time of day?

6 A It was there but wasn't pertaining to what you
7 are talking about.

8 Q All right, sir. What other cities?

9 A I believe that is all, sir. Here and there.

10 Q All right now, which town did you talk to him
11 first in?

12 A Him, who is him?

13 Q Which town did you talk to Mr. Hooker or Mr. Neal
14 or any of the government attorneys, which town did you first
15 discuss this case in?

16 A I told you, sir, we didn't get into the case in
17 Atlanta.

18 MR. BERKE: Now, if Your Honor please, I didn't
19 ask this witness that.

20 THE WITNESS: Well, I believe it was Columbia,
21 Tennessee.

22 MR. BERKE: And if Your Honor please, just a
23 minute, would Your Honor please as a help to counsel in
24 trying to get this, ask the witness to respond to the
25 questions?

1 THE COURT: All right, yes, sir, respond to the
2 question.

3 THE WITNESS: To the best of my recollection it
4 was Columbia, Tennessee.

5 BY MR. BERKE:

6 Q All right, then, where did you go the next town?
7 To discuss this case with the government attorneys?

8 A Back to Columbia, Tennessee.

9 Q All right, then where did you go to discuss it?

10 A To discuss the case as such, Chattanooga.

11 Q All right, then where after that?

12 A I didn't say anywhere, sir. I said that is Baton
13 Rouge was it, I don't know whether the man was an attorney
14 or not, or what he may have been talking to me about it.

15 Q Where have you been staying the past 30 days?

16 MR. REDDY: We object to that, may it please
17 the Court. Insofar as time that he has been in this area
18 Chattanooga. That is immaterial.

19 MR. BERKE: No, not Chattanooga. I don't care
20 about that.

21 THE COURT: All right.

22 MR. BERKE: I said 30 days.

23 BY MR. BERKE:

24 Q You haven't been here 30 days, have you?

25 A It seems like it but I haven't.

1 Q Where did you come to Chattanooga from?

2 A Baton Rouge.

3 Q Did you come alone?

4 A I came part of the way alone.

5 Q All right. What part of the way did you come
6 alone?

7 A As far as Birmingham.

8 Q How did you come from Baton Rouge to Birmingham?

9 A Drove.

10 Q You drove your car?

11 A Yes, I did.

12 Q But by yourself?

13 A Yes, I was.

14 Q All right, now, from Birmingham where did you
15 drive?

16 A To Chattanooga.

17 Q Who did you drive with?

18 MR. REDDY: We submit, may it please the Court,
19 that that is immaterial.

20 MR. BERKE: If Your Honor please, show under
21 whose influence this witness has been and I think it is
22 material.

23 MR. REDDY: May it please the Court, it is
24 immaterial who he came to Chattanooga with.

25 MR. BERKE: It must be material. They certainly

1 are objecting about it.

2 THE COURT: Overruled.

3 BY MR. BERKE:

4 Q Who did you come to Chattanooga with?

5 A May I ask Your Honor a question? If it was a
6 potential witness--

7 MR. BERKE: I object to that.

8 THE COURT: Well, I'm going to reserve a ruling
9 on that. Proceed to something else.

10 BY MR. BERKE:

11 Q All right, have you been staying by yourself in
12 Chattanooga?

13 MR. HOOKER: We object to that.

14 THE COURT: Sustained.

15 MR. BERKE: Is that the same reservation Your
16 Honor holds that same line of questions?

17 THE COURT: Yes, sir.

End 30

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1 Q What day did you arrive here?

2 A I believe it was two or three days before I got
3 on the stand, a couple of days, anyway, either Monday or
4 Tuesday.

5 Q Do you know what day, sir?

6 A Well, if you will tell me what day I appeared,
7 as I said, time is kind of--if you will tell me the first
8 day I appeared I can tell you the day I came.

9 Q Well, Mr. Partin, you were able to tell Mr.
10 Hooker events that occurred in October and November and
11 December, 1962, and here you can't tell me what happened
12 three or four or five days ago.

13 A I can tell you, sir.

14 Q How can you account for that?

15 A I can tell you but, well, it's for obvious
16 reasons I don't want to tell you or you can trace it down
17 but I can tell you I came.

18 MR. BERKE: Just a minute, if your Honor please.

19 MR. SILETS: We move that be stricken.

20 MR. BERKE: That's another one of the remarks
21 that this witness has made. I haven't asked about tracing
22 you, have I, I have only asked for a time.

23 THE COURT: Tell him the day.

24 THE WITNESS: Monday, I believe, sir.

25 BY MR. BERKE:

1 Q Monday is when you arrived?

2 A Yes.

3 Q Now, Mr. Partin, why couldn't you have told us
4 that several questions ago when I asked you that?

5 MR. NEAL: That's argumentative.

6 MR. BERKE: Now, your Honor--

7 THE COURT: (Interposing) Sustained.

8 BY MR. BERKE:

9 Q When I asked you the question a while ago, did
10 you know it was Monday?

11 A No, sir. I drove a long ways and I drove quite
12 a few hours and I wasn't sure whether I got here in the
13 afternoon late or in the morning or when because it's about
14 500 or 600 miles down there.

15 Q In other words, you don't know whether you
16 arrived in the afternoon or in the morning and that made the
17 difference?

18 A No, sir, driving five or six hundred miles at a
19 time will make the difference.

20 Q Well, what would be the difference in the day,
21 whether it was afternoon or morning, it would still be the
22 same day, wouldn't it?

23 A No, sir, if I drove--

24 MR. NEAL: (Interposing) If your Honor please,
25 he's arguing with the witness and I object.

1 MR. BERKE: No, your Honor, I think this is a
2 proper field of cross examination.

3 THE COURT: Well, let's move along. Sustain the
4 objection.

5 BY MR. BERKE:

6 Q Now, I believe you answered a while ago of the
7 different things that occurred on Exhibit No.--let me get
8 that, excuse me--99, is that correct?

9 A I didn't answer you definitely, sir, I said the
10 way it was moved around that was my opinion of what went on
11 in that period of time to the best of my recollection.

12 Q You said the conversation about some 80-year-old
13 mother was during that period of time.

14 A That was my opinion, yes, sir, because I wasn't
15 able to--I said in my opinion it was.

16 MR. SILETS: We can't hear him, your Honor.

17 THE COURT: All right, speak up.

18 A In my opinion it did.

19 Q If it didn't happen that time when did it happen?

20 A I don't know, sir, I couldn't remember the day
21 Mr. Hooker asked me so I don't know why I should remember it
22 now.

23 Q In other words, Mr. Hooker has to ask you before
24 you would know?

25 A No, I said when he asked me the events that

1 happened I didn't remember that one there.

2 Q Leading you step by step through the story, is
3 that right?

4 A Well, the only things happened happened step by
5 step.

6 MR. NEAL: Your Honor, that's objectionable, I
7 move that that be stricken.

8 THE COURT: Sustain the objection. Strike the
9 question.

10 Q Now, if I tell you now, sir, from the record
11 that that conversation about the 80-year-old mother did not
12 occur during that period of time, could you now tell us
13 whether it occurred before or after that period of time?

14 A And not swear to it, if I could I would the first
15 day.

16 Q You swore to it when Mr. Hooker asked you about
17 it, didn't you?

18 A No, I did not.

19 Q How is that?

20 A No, I didn't, no, I didn't say anything about
21 it at that time.

22 Q You didn't say nothing about an 80-year-old
23 mother?

24 A Not until later on when I tried to get it back
25 in after I remembered it.

1 Q You say you remember getting it later on, not
2 in the sequence of the events?

3 A Sir, I answered your question. I said I don't
4 remember, I couldn't swear to it, that's the best way I can
5 answer you.

6 Q Don't you know that it did not happen as you
7 stated it happened but it happened later and you so testified
8 for Mr. Hooker?

9 MR. NEAL: Could we have a page, your Honor? I
10 have the page already, I'd like to read it to the jury.

11 MR. BERKE: 3364.

12 MR. NEAL: May I read that, your Honor?

13 MR. BERKE: Just a minute, if your Honor please.

14 MR. NEAL: My objection will be plain if I may
15 read it.

16 MR. BERKE: I will read it.

17 MR. NEAL: You will read it?

18 MR. BERKE: Yes, I will read it.

19 MR. NEAL: Fine. And give the date.

20 MR. BERKE: Yes, I will give you the date.

21 BY MR. BERKE:

22 Q Now, the hotel bill you were talking about is
23 October the 28th, the beginning date, and the ending date
24 was when, sir, look at that exhibit?

25 A The 31st.

1 Q When?

2 A The 31st.

3 Q The 31st, all right. "By Mr. Hooker:" To get
4 the dates you will have to go back to Page 3362.

5 MR. NEAL: Right.

6 BY MR. BERKE:

7 Q "Refer to that document, Government's Exhibit
8 No. 105, and state when you were next in Nashville.

9 "Yes, sir, December the 3rd.

10 "How long did you stay here, Mr. Partin?

11 "December the 7th.

12 "Where did you stay?

13 "The Andrew Jackson Hotel.

14 "Is that your bill you have in your hand?

15 "Yes."

16 Does that properly identify the date?

17 MR. NEAL: Yes, sir.

18 MR. BERKE: All right. Now, then on Page 3364
19 with reference to that date, "What was stated or said in
20 that conversation, the second conversation between you and
21 Mr. King?

22 "He complained about Mr. Hoffa being on him about
23 not getting everything lined up like he was supposed to, that
24 was some of his complaints, and in the same conversation we
25 discussed an 80-year-old mother of a juror he had discussed

1 previously with me."

2 BY MR. BERKE:

3 Q Now, didn't that occur then after that date that
4 I showed you?

5 A It might have, sir, unless it was brought up, I
6 said I remembered it to the best of my ability.

7 Q Is that correct, Mr. Neal?

8 A Would you let me finish my answer, sir?

9 THE COURT: All right, finish your answer.

10 Q Finish your answer.

11 A I said to the best of my ability they occurred
12 in those events, I said I couldn't swear to the exact date
13 on one and I can't, I know the events as they happened, in
14 my opinion, I know they happened.

15 MR. NEAL: Your Honor, I point out that is not
16 inconsistent because in his answer--

17 MR. BERKE: If your Honor please--

18 MR. BRANSTETTER: (Interposing) I object to that.

19 MR. HAGGERTY: May it please the Court.

20 THE COURT: Sustained.

21 MR. HAGGERTY: Mr. Neal is continually rising
22 here, I think it's time the Court stopped him. He is not
23 making an objection, he is not stating an objection and the
24 reason--

25 MR. NEAL: (Interposing) Your Honor, he is--

1 MR. HAGGERTY: (Interposing) Just a moment.
2 He is advancing an argument on every opportunity. It is
3 certainly not good court manner, it's not ethical and besides
4 that it is a violation of the rules of conduct in a court-
5 room.

6 MR. NEAL: Your Honor, I want him to--

7 THE COURT: (Interposing) Just a minute.

8 MR. NEAL: I--

9 THE COURT: (Interposing) Just a moment, Mr.
10 Neal.

11 MR. NEAL: I beg your pardon.

12 THE COURT: If the Court knew some way to keep
13 attorneys from rising I think perhaps we could move along.

14 MR. NEAL: I asked him to read the whole answer,
15 I didn't hear the whole answer. I want the answer read,
16 that is what I am objecting to.

17 THE COURT: Well, you may cover it on redirect.

18 BY MR. BERKE:

19 Q Now, sir--

20 MR. NEARL: (Interposing) Excuse me, your Honor.
21 I don't want to rise again but he should read the full answer
22 here. I think an explanation will be made here if I could
23 point out to your Honor.

24 THE COURT: All right. Well, read it.

25 MR. BERKE: Go ahead and read.

1 MR. NEAL: Very well, he complained--

2 MR. BRANSTETTER: (Interposing) May it please
3 the Court--

4 THE COURT: (Interposing) Mr. Berke, I don't
5 recall, to be frank to you, exactly where you left off reading.

6 MR. BERKE: I asked him if he wants me to read
7 any more, I will read it.

8 THE COURT: Do you want Mr. Berke to read it?

9 MR. NEAL: If it will save time.

10 MR. BRANSTETTER: If it please the Court, on
11 behalf of the Defendant Campbell I object to proceeding back
12 and forth, reading after an objection of Mr. Neal seeking to
13 argue the case simply because at some time they go back
14 through it, they will find a reference to the Defendant
15 Campbell, or at least his name being used as also on a totally
16 wrong date as given by this witness on the third time, it's
17 not fair to argue the matter at this time.

18 MR. BERKE: "Eighty-year-old mother of a juror
19 he had discussed previously with me, a 60-year-old juror that
20 was on the jury. He had previously told me that but I couldn't
21 fit it into the times."

22 That's what you want me to read?

23 MR. NEAL: Yes, your Honor, that's not incon-
24 sistent with the answer.

25 MR. BERKE: If your Honor please.

31 - 10 • Partin - Cross

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1 THE COURT: Mr. Neal, let's not discuss the
2 matter any more. We are never going to get through. Let's
3 proceed.

4 MR. NEAL: I apologize.

End Tk 31
Tk 32 fls.

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Tk32 •
H1

Partin - Cross

3686

1 Q Now you also said, didn't you, that in that
2 October 28th period of time that the Fields incident was
3 discussed?

4 A I said in my opinion it was, sir. From the way
5 you gave me the events.

6 Q The way I gave you the events?

7 A Yes, sir. Jumbling them up and running backwards.

8 Q In other words, if I questioned you at different
9 times you can't answer it properly, is that right?

10 A Well, if I may qualify my answer I will answer
11 you.

12 Q Well, I think you should answer yes or no so we
13 can move along.

14 A May I qualify it when I do?

15 THE COURT: No need to ask if you can qualify.
16 Just give your answer, Mr. Partin, and make any explanation
17 you care to make.

18 THE WITNESS: All right, sir, because of the events,
19 for example, where someone is going to commit murder they
20 have got to have time to prepare to commit murder.

21 MR. SILETS: Your Honor, I object and I move for
22 a mistrial.

23 MR. SCHIFFER: I move for the same on behalf of
24 the Defendant Parks at this time, Your Honor.

25 MR. SILETS: This man is injecting venom in this

1 case and it is at the insistence of the government. He has
2 been coached as well as anybody has ever been coached.

3 THE COURT: Well, just a moment. Disregard the
4 arguments of counsel, ladies and gentlemen. Let's proceed.
5 Overrule the motions.

6 MR. SCHIFFER: Your Honor, on behalf of Defendant
7 Parks my objection is based upon the fact that this man
8 absolutely refuses to follow the instructions of the Court.
9 Will the Court again direct this witness as to what is proper
10 and improper? Half a dozen times on the record, Your Honor
11 has told him not to come in with these side remarks and be
12 responsive and now he refuses to do it. I think Your Honor
13 should hold him in contempt.

14 THE COURT: All right, Mr. Schiffer. Ladies and
15 gentlemen of the jury, disregard the answer of the witness
16 to the last question. It wasn't responsive.

17 BY MR. BERKE:

18 Q Will you please answer my question?

19 A Sure.

20 THE COURT: All right, Mr. Berke, if you will,
21 please just state the question.

22 BY MR. BERKE:

23 Q Mr. Partin, did you sign any statements about any
24 of these matters to Mr. Sheridan or to Mr. Hooker during a
25 period of time during October, November and December, 1962?

1 A I believe Your Honor has the only statement I
2 signed.

3 Q All right, when did you sign that?

4 A It was just prior to one of the jurymen being
5 taken off the jury. The reason I remember it, it was the day
6 before that night.

7 Q All right. During which visit that you had to
8 Nashville, which hotel visit was it that you signed this
9 statement?

10 A I couldn't swear that unless the event was led
11 up, the incident where this Fields was taken off the jury
12 or whoever it was taken off the jury, sir.

13 Q Do you mean can you tell us now again within a
14 week of when that took place?

15 A If you will give me anything to refresh my
16 recollection I will. I certainly will. I will try my best
17 for you, sir.

18 Q All right.

19 A If you could tell me when Mr. Fields was taken
20 off the jury I could tell you within a few hours of it.

21 Q I can tell you this, that you came into Nashville
22 October 22nd and your last time that you were in Nashville
23 according to the hotel bills was December 19th. Now, with
24 reference to that when did you say you signed this statement?

25 A I would say about two weeks before the trial.

1 Now, I'm just guessing because the events are not led up to
2 where I could remember from memory to where I would know.

3 Q How long before you left Nashville the last time?

4 A It was two or three weeks I would guess now.

5 I'm saying again I guess because I don't know. Positively
6 the exact date that the events as they happen was brought
7 before me.

8 Q It wouldn't have been the first day, would it?

9 A No, sir, it would not.

10 Q It wouldn't have been the last day, would it?

11 A No, sir.

12 Q As a matter of fact, Mr. Partin, it was the last
13 day that you were in Nashville, wasn't it, on the 19th day
14 of December?

15 A I don't think I would have been there if it was
16 then. Probably gone.

17 Q In other words, on the very last day that you
18 were in Nashville a time that would be indelibly fixed in
19 your mind you said it didn't happen on the 19th day of
20 December?

21 A I said I wasn't present when it happened then if
22 I did. I was gone.

23 Q Do you mean you were not in Nashville when you
24 signed this affidavit?

25 A Oh, yes, sir, it was signed the day before. You

1 asked me when it was signed so that would fit it. The day
2 before that it was signed.

3 Q But you say it didn't happen on December 19th,
4 you said it happened two or three weeks before?

5 A I said in my mind if you tell me when he was
6 taken off the jury I would, and I did. The day before.

7 Q Now, did you get the information, and give it
8 immediately to them and they prepare the affidavit?

9 A No, sir, I think the information was given to
10 them quite a little bit before that. I think it evidently
11 must have been checked out before I gave them the affidavit.

12 Q Well, how much time? How many days or weeks or
13 months or years was it before that?

14 A It was the first part of the trial they had the
15 information along the first part of the trial.

16 Q Did you give that information to Mr. Sheridan?

17 A I sure did.

18 Q All right, now, during what period of time while
19 you were in the hotel did you get that information?

20 A If you would give me the first three or four
21 visits, sir, I would do my best to point out when it
22 happened.

23 Q I will be glad to give it to you if you will
24 permit me to fold the things.

25 A I don't care what you do with them.

1 MR. NEAL: Your Honor, I object to folding those.
2 I think those exhibits should be shown to the jury. I think
3 there is some kind of inference created here. There is some
4 writing on there. Anything that can refresh this witness'
5 recollection should be given to him.

6 MR. BERKE: That is what I don't want the writing
7 on there to refresh his recollection. That is Mr. Neal's
8 own statement.

9 MR. NEAL: Your Honor, I want Mr. Berke to either
10 have those remarks stricken that there is something on there
11 that has been put on there to refresh him or have them shown
12 to the jury so the jury can see for themselves.

13 THE COURT: Those will be shown to the jury.

14 MR. NEAL: We offer those in evidence at this
15 point.

16 THE COURT: Let them be received in evidence.

17 (The hotel bills referred to above having previously
18 been marked for identification, No. 101 & No. 102,
were received in evidence.)

19 MR. SILETS: Did Your Honor say they would be
20 received in evidence?

21 MR. BERKE: They're already in evidence.

22 MR. SILETS: No. Marked for identification.

23 MR. NEAL: We move that they will be received
24 in evidence and they can go to the jury.

1 THE COURT: They will be received in evidence.

2 MR. SILETS: Your Honor, I take exception. I
3 never heard of evidence on cross examination. Moreover, I
4 renew my motion for proper examination.

5 THE COURT: Did not the witness say that he had
6 signed each one of them, Mr. Silets?

7 MR. SILETS: He said he signed them, your Honor,
8 but he did not say he was the one who made the entries. He
9 didn't know they were his records or whether he made all
10 the entries on those records. Or whether he has knowledge
11 of the correctness of them. He has not said as required by
12 Section 1732, Title 28, United States Code.

13 MR. SCHIFFER: He only signed the small slips,
14 your Honor, not the record which has been referred to and
15 made for reference of this testimony.

16 THE WITNESS: You won't need all those.

17 MR. REDDY: I submit Mr. Berke has been referring
18 to them all afternoon on cross examination.

19 MR. BRANSTETTER: May it please the Court, I
20 believe the objection to the admissibility was made by all
21 defendants? Is that correct? Certainly the Defendant Camp-
22 bell makes an objection.

23 THE COURT: Well, at the moment let's see if
24 Solomon has any worries here. I think that, gentlemen, I
25 have difficulty understanding your objection. You are object-

1 ing on the grounds that they don't comply with the business
2 records at --

3 MR. SILETS: (Interposing) Your Honor, the only
4 thing that he has testified to is that he identified his
5 signature on the registration cards. Those documents are
6 two or three part exhibits. One part is a registration card
7 where he sees his signature. Another part is a bill which
8 was not prepared by him. Does not contain any signatures
9 made by him. It was not kept by him in the regular course
10 of business. It was not in his regular course of business to
11 keep such documents. It was not his regular course of busi-
12 ness to make such entries and he has no knowledge of the
13 truth or falsity of the entries that are recorded thereon.

14 MR. HOOKER: He testified, if your Honor please,
15 it was his bill. He paid it. We think they are admissible
16 evidence and should be received.

17 MR. SCHIFFER: Payment of a hotel bill by and of
18 itself is not evidence of the correctness of the items listed
19 thereon, your Honor.

20 THE COURT: Well, they will be admitted in
21 evidence but only for the purpose of, that they are being used
22 here in cross examination. They will be considered by the
23 jury only in that connection.

24 MR. BERKE: Of course, that is the difficulty; we
25 have no objection to them being admitted in evidence though

• Partin - Cross

1 we can't force it on the other defendants, but we are being
2 forced to try together and I have no objection.

3 THE COURT: All right, Mr. Berke.

4 BY MR. BERKE:

5 Q Now, will you look at those hotel bills there
6 and state when it is that you got the information upon which
7 you made this affidavit on December 19, 1962?

8 A Sir, you have them mixed up. You have the dates
9 way over here and way over here and way over here. If you
10 will put them together where I can tell by looking.

11 Q I am going to leave them that way.

12 A I will have to study them because they are pretty
13 well mixed up.

14 MR. NEAL: Your Honor, may I be heard? May I
15 object to this type of cross examination? This witness
16 testified on direct and he said on direct he would have to
17 look at the hotel bills to refresh his recollection.

18 THE COURT: Overrule the objection.

19 THE WITNESS: In my opinion it happened in this
20 time right in here, from here. No, you have them mixed up
21 so I can't tell. I think either that this one or the first
22 part of this one to the best of my recollection. It was in
23 my third or fourth visit.

24 BY MR. BERKE:

25 Q Now, these two that I have in my hand, one of them

1 is marked Exhibit No. 101.

2 A Let me look to be sure.

3 Q And the other one is marked Exhibit No. 102.

4 A Let me look down so I can see the date.

5 Q All right.

6 A 14th, 15th, 21st, yes, sir.

7 Q Is that correct?

8 A I said to the best of my ability it is. Placed
9 about in the chain of events.

10 Q Would it surprise you, sir, that if this affi-
11 davit stated that it was November 7 and not either one of
12 these dates that you handed here to me?

13 A It would be pretty close, Mr. Berke. I said
14 around that time. So I believe you have November 7th in your
15 hand, don't you?

16 Q No, I do not, sir. I have November 14th through
17 the 15th and November 19th through the 21st, if you would
18 like to check me again here it is.

19 A I'm not looking at your date on it. Somehow I
20 said either happened close.

21 MR. HAGGERTY: Just a moment, your Honor, we
22 can't hear the witness.

23 THE COURT: Yes, sir.

24 MR. BERKE: I will have to hand him the exhibit,
25 your Honor.

End 32a
32b fls
32b - 1

1 THE WITNESS: November 7th would be just prior to
2 this so it was within two or three days. I was correct.

3 BY MR. BERKE:

4 Q November 7th is two or three days from November
5 14th?

6 A You are looking at the bottom. I said between
7 the visits, sir. I said either my third or fourth visit if
8 you remember what I told you when you went over there with
9 them.

10 Q All right, sir, I'm not trying to argue or banter
11 with you but here is the ending. Is that November 7th of
12 this exhibit, is it not?

13 A Turn around where I can look at it.

14 Q I will be glad to.

15 A Fourth to seventh is what it has on it.

16 Q The next starts on the 14th, does it not? It
17 is right here.

18 A I am looking at the one in between. I can refresh
19 my memory best staying at different hotels. These all dates
20 look alike.

21 Q You stayed in hotel in between these two periods
22 of time?

23 A I didn't say that. I said this here would
24 refresh my memory to the chain of events as far as they could
25 on the other hotels.

1 Q All right. That exhibit you are looking at is
2 in October visit and has nothing to do with November, isn't
3 it?

4 A Oh, yes, it has something to do with it because
5 I was told not to worry about what didn't happen then, he
6 had the man in his hip pocket, that is why I know it has
7 something to do with it. Don't worry about it.

8 Q Now, that is the exhibit -- just a minute, your
9 Honor. You are talking about the James Robertson Hotel?

10 A Yes, I am.

11 Q Now, what does that have to do with the question
12 I asked you about Fields and the 7th to 14th?

13 A It has a lot to do with it, sir, because when
14 wanted to pass something for him, didn't work out, then when
15 I was questioned about it later on two or three meetings later
16 on said don't worry about it when I am getting ready, I
17 distinctly remember, tell you get ready to go back to Baton
18 Rouge, so don't worry about it, I have the man in my hip
19 pocket, that is how distinctly I remember it because I was
20 leaving that day. Called me into his room.

End 32b
33 fls

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1 Q So now you say that you are connecting up the
2 James Robertson Hotel thing with his expression that he got
3 him in his hip pocket.

4 A Just the events that happened time by time, yes,
5 and by the step.

6 Q That's what you told us when Mr. Hooker asked you?

7 A What?

8 Q I say, you are sure about that, you are sure
9 about that, that's not a numbered exhibit and you are sure
10 about that?

11 A That's because that's the only day I stayed there
12 so I naturally remember it.

13 Q So that's the reason you remember it?

14 A Yes, sir.

15 Q Now, Mr. Partin, isn't it true that that statement
16 you made about the hip pocket was on the very first visit,
17 the last day of the first visit?

18 A No, sir, it was not.

19 Q All right, sir. I will read it to you then.

20 A It was on the date I went home.

21 MR. BERKE: Mr. Neal, if you will look at record
22 Page 3238 and in order to get the date I will have to go back
23 several pages, if you will check it and verify that that is
24 the first date because the next visit starts on Page 3241,
25 which is the Robertson Hotel.

1 MR. NEAL: Your Honor, to save some time here
2 he is going to refer to a statement made when he hit his
3 hip pocket and not to--, it's a completely different pocket,
4 I promise Your Honor it will come out just that way.

5 BY MR. BERKE:

6 Q Sir, didn't you just only make one statement about
7 him hitting his hip pocket when Mr. Hooker questioned you?

8 A Well, he said his hip pocket and had his--, all
9 I know is when he said--

10 Q (Interposing) Now, the question I am asking you,
11 sir, didn't you state the hip pocket incident and it didn't
12 occur when you were at the James Robertson Hotel, it occurred
13 during the latter part of your first visit in the Andrew
14 Jackson Hotel?

15 A Sir, I didn't say it occurred at the James Robertson,
16 occurred at the visit at the James Robertson Hotel, I didn't
17 say that.

18 Q Are you telling the jury now that you didn't say
19 that it occurred during the James Robertson Hotel because
20 you looked at it, you remember it, you saw it and connected
21 it up because of that reason?

22 A I told the jury that I understood that this one
23 because this is when he said it fell through, he wasn't able
24 to get to the man, he said he was on this, is the reason I
25 knew it was in that close somewhere because he said then that

1 they had to lay low for a few days and that's why I connected
2 it because I went directly from the James Robertson Hotel to
3 his room to ask him why it happened on that.

4 MR. NEAL: Your Honor, may we have Mr. Berke read
5 the portion he was referring to?

6 MR. BERKE: Yes, sir, I will be glad to.

7 MR. NEAL: That will straighten matters out
8 considerably.

9 MR. BERKE: I will need to go back three or four
10 pages, if you will concede that was during the first visit,
11 otherwise if you will stipulate that this was during the
12 first visit.

13 MR. NEAL: No.

14 MR. HOOKER: No.

15 MR. REDDY: We won't stipulate that.

16 MR. NEAL: I will--

17 MR. BERKE: (Interposing) I will read it then,
18 I am being forced to, Your Honor, by the government.

19 THE COURT: Yes, let's read the record correctly.

20 MR. REDDY: 2961.

21 MR. BERKE: I will start at Page 3232 and read
22 you the questions beginning with the first hotel exhibit and
23 see if you can remember the questions and answers up until
24 we take up the next visit at the James Robertson Hotel.
25 Question by Mr. Hooker, "I will, I will develop the date

1 right now. I understood him to answer that earlier--

2 MR. NEAL: (Interposing) We will stipulate that
3 the thing you are going to read on 3238 was testified to as
4 being in the first visit.

5 MR. BERKE: 3236, that's what I asked for, it
6 will save three or four pages.

7 MR. NEAL: We will stipulate the thing you are
8 going to read on 3238 was testified as being on the first
9 visit.

10 MR. BERKE: That's right.

11 MR. NEAL: Read the part on 3238 now.

12 BY MR. BERKE:

13 Q Mr. Partin, I am speaking now did you have a
14 conversation with Mr. Hoffa, and it's conceded that this is
15 during the first visit.

16 "Yes, I did.

17 "Was any one else present at the conversation?

18 "No, sir, he called me in his room.

19 "Do you recall what he said?

20 "Yes, sir, I told him at the time," then there
21 was some objection.

22 "All right. Then what was said, Mr. Partin?"
23 On page 3238.

24 "He called me into his room and told me that,"
25 and then Mr. Silets said, "We can't hear him, Your Honor."

1 And then you said, "I said he called me into his
2 room and told me when I came back he may want me to pass
3 something for him. He put his hand behind his pocket like
4 that (indicating) and hit his rear pocket."

5 THE WITNESS: Right. You are correct.

6 MR. NEAL: Now, Your Honor, that doesn't have
7 anything to do, I must--

8 MR. BRANSTETTER: (Interposing) Your Honor--

9 MR. BERKE: If Your Honor please--

10 MR. HAGGERTY: I object to this argument.

11 MR. NEAL: Let the witness go ahead.

12 MR. BERKE: Yes, sir.

13 MR. HAGGERTY: I think it's about time Mr. Neal
14 learned some courtesy or the Court instructed him in Court
15 manners.

16 THE COURT: Let's proceed.

End 33
33A fol.

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1 BY MR. BERKE:

2 Q So even by looking at the exhibits as they are
3 before you you still can't tie in events with exhibits, can
4 you?

5 A You didn't, I did.

6 Q Oh, I didn't, you did, is that right?

7 A According to the record I did.

8 Q All right. Now, which is true, the statement that
9 you made just now that the James Robertson Hotel visit is the
10 time he hit his rear pocket or was it the first visit as we
11 have got it the first time?

12 A It's the same as I told the jury all of the time.
13 I left the James Robertson Hotel, went to his room, he told
14 me he was going to have to lay low a few days because, if
15 you remember, he said the people went in and told the man
16 he offered \$10,000.

17 MR. BERKE: Your Honor, he is going into the
18 hip pocket incident, going into something else, it will only
19 call for further examination, and I am willing to do it, your
20 Honor. I think that this witness should confine his answers
21 to the questions.

22 A I will. The prior meeting, I am telling the
23 events that led up to this, sir, when I left to go back he
24 told me that he may want me to pass something for him. When
25 I came back I went from the hotel to his room and that was

1 the time he told me they had to lay low, that the man reported
2 a \$10,000 offered to him, the judge.

3 BY MR. BERKE:

4 Q Now, Mr. Partin, I am asking you a direct question
5 which you can answer without getting off into any other
6 subject. I am asking about the hip pocket incident.

7 MR. NEAL: Your Honor, this is deliberately
8 confusing this witness. Now, he, he starts out with a --

9 MR. HAGGERTY: (Interposing) Now --

10 MR. NEAL: (Interposing) Just a moment, Mr.
11 Haggerty, it's not polite, you are an expert on that, to
12 interrupt.

13 MR. HAGGERTY: You have to be interrupting.

14 MR. NEAL: Your Honor, he started out talking
15 about the Negro juror being in his hip pocket, he talked
16 about an affidavit to the Court. Now, he has gotten to this
17 witness on an entirely different matter, the witness is trying
18 to straighten it out.

19 Now, I can't understand counsel confusing the
20 matter like this.

21 THE COURT: Well.

22 MR. HAGGERTY: Since when is Mr. Neal the jury in
23 the case? Isn't that for the jury to decide?

24 MR. NEAL: The witness is entitled to be asked
25 so that he can intelligently respond. The witness knows.

1 THE COURT: Well. Those will be matters for the
2 jury to recall the testimony.

3 MR. SILETS: Your Honor, in light of this colloquy
4 between counsel and Mr. Neal I move for a mistrial on behalf
5 of Mr. Dorfman.

6 THE COURT: Overrule the motion.

7 MR. GRADY: Your Honor, I think it should be
8 obvious that I haven't been making any objections but that Mr.
9 Tweel is independent of all this and caught in the malice and
10 that it is engendering on both sides and it's impossible for
11 him to have a fair and impartial trial under these conditions
12 and I ask for a severance of his case or a mistrial in his
13 case, a separate trial.

14 MR. NEAL: I have no malice toward Mr. Berke or
15 Mr. Haggerty, I am just doing my job as they are doing
16 theirs, your Honor.

17 THE COURT: Overrule the motion for severance.
18 It will be up to the jury to pass upon all testimony and using
19 your own recollection whether the record is being quoted
20 correctly or incorrectly or out of sequence or in sequence
21 or what by counsel, those will be matters the jury will have
22 to form their opinions about.

23 BY MR. BERKE:

24 Q This question, Mr. Partin, you already told us
25 that you saw Mr. Tweel on the first day that you arrived in

1 Nashville, which would be October 22nd, 1962. Will you tell
2 us what other days in Nashville you saw Mr. Tweel?

3 A I don't believe he ever got back to Nashville,
4 if he did it was merely because he was scared to come, he
5 said, I'm not positive of that, it was only a brief visit if
6 he did.

7 MR. BROWN: Your Honor, that's not responsive
8 to the question, that he was scared to come back. We ask that
9 it be stricken and the witness instructed again to answer
10 the question.

11 THE WITNESS: I'm sorry, sir. I don't remember.

12 THE COURT: You may proceed.

13 BY MR. BERKE:

14 Q Do you recall when you went to Dallas, Texas?

15 A I don't remember the exact time, it was during
16 the grievance committee hearing.

17 MR. SILETS: Your Honor, we can't hear the
18 witness.

19 A I said I don't remember the exact time, it was
20 during a grievance committee hearing, I would have to look at
21 the hotel records because --

22 Q (Interposing) There they are, they are all
23 spread out in front of you, sir.

24 A I will be happy to look, sir. I believe it was
25 on the 30th, just glancing because I just came back in for a

33a-5

• Partin - Cross

3707

1 short time. To the best of my recollection it was on that,
2 around the 30th, yes, sir.

3 Q In other words, you were in Dallas, Texas, on
4 the 30th of what month?

5 A It would be November, sir, the exact date I am
6 not sure.

7 Q All right. Now, will you look at those exhibits
8 and see if you weren't really in Nashville on that date?

End 33a
34 fls

9 A I was.

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TK 34
EW 1

Partin - Cross

3708

- 1 Q Well, I asked you when you were in Dallas.
- 2 A I was in Dallas, too, that day, sir.
- 3 Q You were in Dallas and in Nashville on the same
- 4 day?
- 5 A Yes, I was.
- 6 Q Didn't you check in at Nashville on the 29th?
- 7 Now, let's see what you can do with that.
- 8 A I don't see anything that would refresh my memory
- 9 that I would have. I only see that one thing. It is possible
- 10 because I only had one day here.
- 11 Q Would you allow me to show you then?
- 12 A Yes, I would.
- 13 Q I will be glad to.
- 14 A That was the part you had folded up, I couldn't
- 15 tell.
- 16 Q You couldn't tell because it was folded?
- 17 A No, sir. You don't see but one date when you
- 18 look down there.
- 19 Q All right. You were in Nashville on the 29th,
- 20 were you not, of November?
- 21 A It doesn't show that on here, sir, it shows it
- 22 up here where it is typed in, but it does not show it on the
- 23 bill.
- 24 Q You say I typed that in?
- 25 A I didn't say who typed it in, sir.

1 Q Well, were you in Nashville on November 29, 1962?

2 You identified this record, did you not? You signed this
3 record? It has your signature, does it not?

4 A It doesn't have the date here, sir. It has it
5 typed in up here.

6 Q Well, you say then you were not in Nashville?

7 A I say it is possible because I left here and went
8 to Dallas and came back the next morning and left again to
9 Baton Rouge. But it doesn't show on the record.

10 Q How long did you stay in Nashville that time?

11 A It was a short time, sir.

12 Q Well, how short?

13 A If you will let me look at the bills to refresh
14 my memory.

15 Q Do you have any independent recollection?

16 A Oh, yes, I told you that before you left here.
17 I said a short time.

18 Q How short?

19 A Well, you have it there in front of you.

20 Q Yes, sir, but I am asking you.

21 A If you will let me look at it I can tell you.

22 Q Can you tell us without looking?

23 A I think I am correct. I think I left on the
24 30th.

25 Q Tell us again.

1 A Maybe you didn't understand me. I said I think
2 I left on the 30th, sir. I would have to look at that to be
3 sure.

4 Q You left where? From Dallas to Nashville?

5 A I believe I came directly in from Dallas and
6 stayed here just a short while and left from here.

7 Q That is what I thought you said, now, what do you
8 say is a short while?

9 A Day. Second day. Leaving on the second day like
10 that.

11 Q All right. What business did you have here on
12 that day?

13 A What business?

14 Q Well, you heard the question. Did you have to
15 repeat it? What business did you have here that day?

16 A I don't understand you, you mean what business?
17 I had the same business I had every time I was here.

18 Q All right. What was your business here in Nash-
19 ville?

20 A Well, I was still here from the time Mr. Hoffa
21 had invited me. He just never did let me quite get away is
22 the only thing.

23 MR. SCHIFFER: May we have that answer repeated,
24 your Honor? We just can't get the answer and his responses.

25 THE COURT: Repeat your answer.

1 A I said I was still here from the original
2 invitation of Mr. Hoffa.

3 BY MR. BERKE:

4 Q What business did you transact at that time?

5 A I believe I had a conversation with Mr. Sheridan.
6 I believe I called Mr. Tweel on that date. The reason I
7 remember that, sir, is because I think I called him from the
8 airport in Dallas.

9 MR. SILETS: Could we have that date stated,
10 your Honor? Is that November 30th?

11 BY MR. BERKE:

12 Q Would you state the date?

13 A In my opinion I called him on the 30th of November.

14 Q I'm talking about the business you had in Nash-
15 ville, what business you had in Nashville.

16 A I believe I've answered it twice, sir. I said I
17 was still here from the continuing invitation of Mr. Hoffa and
18 I told Mr. Sheridan about a call on that date to Mr. Tweel
19 in West Virginia.

20 Q Did you call him from Nashville?

21 A Oh, yes, I did.

22 Q I beg your pardon?

23 A Call who? No, I told you prior to that I called
24 him from the airport in Dallas.

25 Q Now, what occurred on that day that you were here?

1 You were able to tell Mr. Hooker several events that occurred
2 on that day. Now, can you tell us what occurred on that day?

3 A It is tied down to one day, that is the day I
4 called the office, though, and asked me to call Mr. Tweel,
5 left a number for me to call. I called him from the airport.
6 I had several conversations with Mr. Sheridan that day in
7 regard to some of the matters. But you have picked a day out
8 of the middle of it and I can't tie it down to one day.

9 Q Where did you call Mr. Sheridan from?

10 A I believe I called him once from the airport in
11 Dallas.

12 Q All right. Did you call him in Nashville? I am
13 trying to find out what business that you had in Nashville.
14 What did you do and what did you see and hear?

15 A You want me to answer it again?

16 Q I am sorry if you gave an answer, I didn't under-
17 stand it or didn't hear it.

18 A I said I was here on the continuing invitation
19 of Mr. Hoffa.

20 Q I heard that, sir, what specifically did you do,
21 see or hear on November 30, 1962? Do you understand that
22 question?

23 A I understand that question but I can't answer it
24 like you want me to.

25 Q I am not asking you to answer it any way. You

1 answer it any way you wish, but please answer this question
2 and not anything else.

3 A I said--I can't answer your question as you wish
4 me to.

5 Q You cannot answer that question?

6 A Not and swear to it, I cannot.

7 Q Well, weren't you swearing to it for Mr. Hooker?

8 A No, I didn't swear definitely that this happened
9 on this date specifically and swear to it, I did not. I said
10 refresh my memory as to some event that happened. The reason
11 I can tie it down to the 30th on it, some event that happened,
12 because I was in Dallas when I called.

13 Q Now, during this period of time you were doing
14 everything you could to get out of your difficulty and you
15 had a lot of things on your mind, didn't you?

16 A I think I have answered that the way before, no,
17 sir, I wasn't doing everything I could to get out of my
18 difficulty, wasn't set for any trial at that time.

End Tk 3419
Tk 34A fls.

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1 Q Oh, you mean you weren't worrying because it
2 wasn't set for trial?

3 A I didn't say I wasn't worrying. I said it would
4 be natural for anybody to worry about any difficulty you have.

5 Q That is what I'm trying to get at, were you under
6 pressure and under worry during this period of time that you
7 know so accurately that these events have taken place?

8 A I have been worried ever since I have been in
9 the Teamsters. I have been under pressure ever since I have
10 been here.

11 Q When you are under pressure does your mind work
12 good? Or do you have difficulty with your memory?

13 A If I have a specific set of things to do wouldn't
14 you have to concentrate on it, little bitty things like that.
15 Give the date to concentrate on I can pretty well remember.

16 Q What about the serious things, you don't remember
17 those things?

18 A I can remember most of them if I was instructed
19 to find out about them, yes, sir.

20 Q When you were trying to do whatever you could
21 for whatever purpose you had in mind, you knew that if you
22 were prosecuted in the case involving the 26 counts, that you
23 faced a maximum penalty of 78 years?

24 A No, sir, I do not.

25 Q And a fine of over \$200,000.00, didn't you?

1 A I did not.

2 Q Didn't you have? You didn't comprehend that?

3 A Well, the law firm of Bennett and Williams and

4 Mr. Buffalino said I didn't have nothing to worry about.

5 Nothing to them. That is before Mr. Williams--, his law

6 firm is a well-respect firm, so I wasn't too worried.

7 Q So now, you say you weren't worried about it from
8 time to time?

9 A I said it is a natural inclination for any person
10 to worry about any trouble he has.

11 Q Mr. Partin, will you please tell us whether you
12 were worried or weren't worried and I will get on to some-
13 thing else.

14 A I did tell you that any person would be worried
15 about any difficulties.

16 MR. SCHIFFER: Objected to, Your Honor, and may
17 we have it stricken. This answer is not responsive.

18 THE COURT: Overruled.

19 MR. SCHIFFER: He has been answering the questions
20 directly to himself. He is telling you about everything else.
21 We want to inquire about this man.

22 THE COURT: Overrule your objection.

23 BY MR. BERKE:

24 Q Well, answer the question?

25 A I can't answer yes or no. I was worried but I

1 can't qualify it evidently with you. I said I had the best
2 legal advice I could get. They gave me the best consolation
3 I could have.

4 Q Well then you weren't worried?

5 A I didn't say I wasn't worried.

6 MR. NEAL: Your Honor, isn't he arguing with the
7 witness?

8 THE COURT: Sustain the objection.

9 MR. BERKE: Your Honor, he is not answering the
10 question. I will get on to something else if he would please
11 answer.

12 THE COURT: I believe he has answered. Sustain
13 the objection.

14 BY MR. BERKE:

15 Q Now you said that you were unhappy with Mr.
16 Hoffa?

17 A Not as an individual, no, sir. With his
18 principles on some things.

19 Q All right, you were unhappy with his principles,
20 were you unhappy about anything else, Mr. Partin?

21 A I imagine every day run of things, sure, I would
22 be unhappy on a lot of things from time to time.

23 Q Were you unhappy that your authority had been
24 cancelled by the International?

25 A My authority has never been cancelled by the

1 International. They have never notified me if it has.

2 Q Was your authority over the funds and money and
3 receipts cancelled by your local union?

4 A No, sir. I volunteered as I have told you,
5 voluntarily and I think Judge West will testify to that.

6 Q I'm asking you to testify.

7 A I did, but you don't evidently take my word for it.

8 Q But you are bringing in what somebody else would
9 do.

10 A He was the one that it was in front of.

11 MR. BERKE: If Your Honor please, I think the
12 witness again should be instructed on that.

13 THE COURT: Overruled.

14 MR. NEAL: Your Honor, if this is not repetitious
15 I must be dreaming, haven't we gone over this before?

16 MR. BERKE: Not this part. In fact, I just
17 received this so I couldn't have asked him.

18 THE COURT: Mr. Berke, didn't we this morning
19 very specifically go over this not less than twice?

20 MR. BERKE: He said he voluntarily did this,
21 now you have the records or you have the records available
22 to you of the union there in your home town of Baton Rouge,
23 do you not?

24 THE WITNESS: I would imagine the recording
25 secretary has those, sir.

1 Q And is the recording secretary L. E. Gomillion,
2 Jr.?

3 A Yes, he is -- no, I take it back, he has resigned,
4 sir.

5 Q Well, he was at this time?

6 A I believe he was at that time.

7 Q And after stating the resolution, and I will cut
8 it short so as not to take too much time, isn't September 13th,
9 1962, the date when you were relieved of all duties of
10 receipt and disbursement of your union funds?

11 A I believe if you read it all the jury will under-
12 stand. I said it was voluntary, sir, you are just reading
13 part of it.

14 Q And you say the instruction by the judge is also
15 voluntary?

16 A It absolutely is all voluntary.

17 Q How long after the indictment was it that this
18 action was taken?

19 A I don't know. I can produce the minutes of the
20 executive board meeting where I told them that I think I
21 should do it until the matter was cleared up.

22 THE COURT: Mr. Berke, the Court specifically
23 recalls that we went over this this morning at least once
24 or twice.

25 MR. BERKE: All right, your Honor.

1 BY MR. BERKE:

2 Q Now, Mr. Partin, when was the first time that you
3 had met with Mr. Hoffa and the attorneys or with the attorneys
4 or without the attorneys and you state which it is, wherein
5 the selection of a jury was determined and discussed?

6 A What jury where?

7 Q The jury in the Nashville case.

8 A I don't recall any conversations sitting with
9 the attorneys where it was selected.

10 Q Well, I said with or without attorneys, with one
11 or more defendants, with or without attorneys, did you sit
12 in on any of those discussions?

13 A I don't recall individual discussion on something
14 that I wasn't interested in, sir, see the juror, how many
15 they had on the jury, unless it was said, "I have that jury
16 man in my pocket," then I would have remembered it, I
17 couldn't remember just from casual discussions concerning a
18 jury.

19 Q You don't remember the date when those discussions
20 took place and didn't you relay that information to Mr.
21 Sheridan or try to or talk about it?

22 A If I mentioned it would be casually because I
23 don't recall anything I would want to get in regard to that
24 unless it would have been in regard to a jury being bribed.

25 Q All right. What was the first date now that you

1 say that you gave Mr. Sheridan any information?

2 A I gave Mr. Sheridan information evidently from
3 the first day I was there.

4 Q All right. Did you do it on a daily basis or only
5 when you had something to discuss with him?

6 A Well, I am sure it would have been when I had
7 something to discuss with him, I just wouldn't want to meet
8 him and say hello to him.

9 Q All right. Was that on a daily basis?

10 A Sir, it would have been many times, I don't know
11 how many times that would have been, you couldn't count them
12 on the thumbs on both hands, I will put it that way to you,
13 sir.

14 Q Let me ask you specifically, did you talk to Mr.
15 Sheridan, report to him every single day that you were in
16 Nashville, or didn't you do that?

17 A I wouldn't think every single day, if I missed
18 any it wouldn't be many, I will put it that way. I can't
19 swear to it every day, every day that I told him something,
20 I couldn't swear to it, no, sir, but it was pretty regular,
21 sir, with a lot of things going on.

22 Q All right. Now, where did you meet Mr. Sheridan
23 every day?

24 A Well, sometimes I would meet him in the car.
25 Sometimes I met him -- one time in the hotel, I mean in a

1 theater lobby, sometimes in his apartment, one time I believe
2 in the hotel.

3 Q Which hotel?

4 A The hotel that you are thinking about. I didn't
5 get a chance to talk to him in the hotel, of the Noel Hotel.

6 Q I didn't know that is another one of your
7 talents, I wasn't thinking about any hotel.

8 A I pretty well know you by now.

9 Q What hotel are you talking about?

10 A The Noel Hotel where I talked to him.

11 Q You talked to him in the Noel Hotel?

12 A Yes, sir, in his apartment, cars.

13 Q Is that Noel Hotel which you said I am thinking
14 about, is that on that first visit you are talking about?

15 A I didn't mention the first visit as being the
16 Noel Hotel, as far as the conversation regarding Mr. Hoffa,
17 the information I got from him was up in his room.

18 THE COURT: Ladies and gentlemen, the Court has
19 some other matters I am going to have to take up this evening.
20 I believe we will at this time recess for today.

21 The jury will please observe the same instructions
22 I have heretofore given to you not to discuss the case among
23 yourselves, allow anyone to discuss it. Be back at nine
24 o'clock in the morning.

25 THE MARSHAL: Court is still in session.

1 (Thereupon, the jury of twelve and four alternates
2 were excluded from the courtroom.)

3 THE COURT: All right, Mr. Partin.

4 THE WITNESS: Yes, sir.

5 THE COURT: Do not discuss your testimony again
6 with anyone or allow anyone to talk with you about it, please,
7 while we are in recess.

8 (Witness temporarily excused.)

9 THE COURT: All right. Gentlemen, I am going to
10 have to attempt to adjourn a little early this evening
11 because of some business the Court has to transact. Is there
12 anything further now this afternoon?

13 MR. SILETS: Your Honor, I have several things.

14 THE COURT: All right, sir.

15 MR. SILETS: I move to strike the testimony of
16 this man for this reason that he states now that he cannot
17 swear to the exact time that any of these conversations
18 occurred, the time of the conversations are extremely im-
19 portant to the issue of whether the conversations may be
20 admissible against anybody else in this lawsuit for the
21 proposition that it falls within the agency or conspiracy ex-
22 ception to the hearsay rule.

23 Secondly, I move that we have -- that the Court
24 direct and take evidence to ascertain whether any of the notes
25 or any conversations that he had with government counsel con-

1 stituted notes within the meaning of the Jencks Act under
2 the theory and the direction of Campbell versus United States.

3 Now, I don't think the government will contend
4 that notes taken by an attorney do not fall within the meaning
5 of the Jencks Act, but for the government's own satisfaction
6 I would like to cite several cases, Saunders versus the
7 United States, 316 Fed. 2nd, 346.

8 THE COURT: 346?

9 MR. SILETS: Yes, sir, District Court of Columbia,
10 1963, especially at 348.

11 U. S. versus Aviles, 315 Fed. 2nd, 186.

12 THE COURT: I didn't get the last.

13 MR. SILETS: 315 Fed. 2nd, 186, your Honor.

14 THE COURT: Someone seems to make a cough every
15 time a citation is given.

16 MR. SILETS: I am sorry, your Honor.

17 THE COURT: Can you hold the cough until after a
18 citation is given?

19 MR. SILETS: 315 Fed. 2nd 186, 1963, and I believe
20 it's a Second Circuit case, and argued by Mr. Bennett Williams
21 who was mentioned by the witness. 318 Fed. 2nd at page 220
22 and that is Harrison versus the United States. All those
23 cases stand for the proposition that the fact that the notes
24 were taken by a government attorney does not exempt them from
25 the Jencks Act nor are they considered a work product under

1 the theory of Hickman versus Taylor.

2 Your Honor, I suggest and I urge that the Court
3 have a hearing to ascertain and take evidence within the
4 framework of the requiring of Campbell versus United States
5 to ascertain whether these notes were in fact notes within
6 the meaning of the Jencks Act.

7 THE COURT: All right.

8 MR. REDDY: What notes is Mr. Silets referring to,
9 may it please the Court?

10 MR. SILETS: That's the very issue, were there
11 notes and were they in fact notes within the meaning of the
12 Jencks Act?

13 He has testified he had conferences with attorneys
14 for the Department of Justice.

15 MR. REDDY: He didn't say any attorneys took any
16 notes from him as I understand.

17 MR. HOOKER: I can say for the record I never took
18 a single note.

19 MR. REDDY: I never took a note in my life from
20 him.

21 MR. SILETS: There are other attorneys he mentioned.

22 MR. NEAL: I can state for the record to my
23 knowledge I have never interviewed this man other than right
24 around the Grand Jury and in the presence of Mr. Hooker and
25 I certainly have never taken any notes from him. Any examina-

1 tion I have done of him has always been from the notes in
2 the possession of the Court.

3 MR. BERKE: I think Mr. Hooker -- let Mr. Hooker
4 explain the notes.

5 THE COURT: Well, let's have that hearing right
End 35 6 now. Place Mr. Hooker under oath and we will hear Mr. Hooker.

7 MR. DALE: Do you solemnly swear that the
8 evidence you will give in this case shall be the truth, the
9 whole truth, and nothing but the truth, so help you God?

10 MR. HOOKER: Yes, sir.

11 THE MARSHAL: Let's have order in the court,
12 please.

13 THE COURT: All right.

14 JOHN J. HOOKER,

15 the said witness, being first duly sworn, was examined and
16 testified as follows:

17 EXAMINATION BY MR. SILETS:

18 Q State your name, sir.

19 A John J. Hooker.

20 Q What is your occupation?

21 A I am a lawyer.

22 Q Are you an employee of the federal government?

23 A I am specially employed in this particular case.

24 Q When were you so employed?

25 A About April 1st, 1963.

1 Q Did you participate in the Grand Jury proceeding?

2 A I did not.

3 Q Mr. Hooker, did you meet with the Witness Partin
4 at any time since April of 1963?

5 A Yes, sir, once in Atlanta, I believe in April or
6 May, maybe it was a little later than that, twice in Columbia
7 sometime during the summer, and once or twice here in Chatta-
8 nooga.

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Tk 36 .
H1 Hooker

1 Q All right, let's take the very first time
2 met with him, who else was present?

3 A Mr. Sheridan and Mr. Frank Grimsley.

4 Q And who is Mr. Frank Grimsley?

5 A He is an attorney for the Department of Justice.

6 Q And where is his post of office?

7 A I think he lives part-time in Washington and
8 part in Atlanta. That is my information.

9 Q How long did the first interview between your-
10 self and Mr. Grimsley and Mr. Sheridan and the witness Partin
11 take?

12 A I would say thirty minutes.

13 Q To your knowledge, were there any other inter-
14 views on that same day by any party or member of the
15 Department of Justice of the witness Partin?

16 A No, sir. I flew to Atlanta to meet him and
17 talked to him between planes and flew immediately back to
18 Nashville. Talked to him about thirty minutes all told I
19 suppose.

20 Q At that time did you record or take any note of
21 the conversation?

22 A No, sir, not of any kind.

23 Q Now, the ~~second time you saw him~~, sir, where
24 was that?

25 A I believe it was at Columbia.

1 Q Columbia, Tennessee?

2 A Yes, sir.

3 Q Who else was present?

4 A Mr. Jim Neal. Mr. Walter Sheridan. And I
5 believe that is all.

6 Q How long did that interview take?

7 A Oh, all told I suppose three or four hours.

8 Q Now, in the course of three or four hours did
9 you take any notes at all?

10 A Not any at all.

11 Q Sir, did anybody else in your presence take a
12 note?

13 A Not to my knowledge. I didn't see anybody take
14 any.

15 Q Was there a recording device?

16 A No, sir.

17 Q Was there a stenographer?

18 A No, sir.

19 Q Now, on that same day or on that same visit that
20 you had to Columbia, Tennessee, did you speak to Mr. Partin
21 again?

22 A Oh, yes.

23 Q When was that?

24 A Sometime after--, do you mean the second trip
25 to Columbia?

- 1 Q No, sir, this same trip.
- 2 A Same trip, I spoke to him I believe one afternoon
3 and then again the next morning.
- 4 Q Now the time that Mr. Neal and Mr. Sheridan were
5 present was that the afternoon or the morning?
- 6 A Both.
- 7 Q Both times?
- 8 A Yes, sir.
- 9 Q Now, which one took three hours or four hours?
- 10 A Those two meetings together, I'd say it took
11 about three or four hours.
- 12 Q Now, in either one of those meetings no one took
13 a single note?
- 14 A No one to my knowledge, I did not see anybody
15 take any and I did not take any myself.
- 16 Q Mr. Hooker, when was the next time if ever you
17 saw the witness Partin?
- 18 A I saw him again at Columbia I suppose about, oh,
19 couple of months later.
- 20 Q And who was present?
- 21 A Mr. Sheridan. Mr. Neal. Mr. Partin and myself.
- 22 Q How long did that conversation take?
- 23 A Hour and a half, I would judge.
- 24 Q And did you take any notes of the conversation?
- 25 A I did not take any and no one else took any in

1 my presence.

2 Q Now, Mr. Hooker, on any of these occasions did
3 to your knowledge, were any notes or were any written
4 memorandums made of the conferences after the conferences
5 were completed but not in the presence of the witness Partin?

6 A Not to my knowledge.

7 Q Did that happen as far as you were concerned?

8 A No, sir, I didn't make any.

9 Q Now, at that second visit in Columbia did you
10 have another occasion to speak to the witness?

11 A Here at Chattanooga.

12 Q No, sir, on that same visit in Columbia.

13 A No, I just saw him in Columbia the second trip
14 as I remember it one time, one afternoon.

End 36

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1 Q And how long did you say that took, hour and a
2 half?

3 A I suppose an hour and a half.

4 Q To your knowledge, did any other members of the
5 Department of Justice interview him after you left?

6 A No. I just don't know, Mr. Silets, not that I
7 know of.

8 Q When was the next time you spoke to the witness?

9 A Here at Chattanooga.

10 Q When was that?

11 A The first day that he arrived here. I presume
12 it was on--on Monday.

13 Q How long did you spend with him?

14 A Probably an hour.

15 Q Where was that? In the courthouse building?

16 A No.

17 Q Who else was present?

18 A Some of the time no one. Some part of the time
19 Mr. Sheridan.

20 Q You spent an hour with him and Mr. Sheridan came
21 in and out?

22 A That's right. Yes. Well, I beg your pardon.
23 Mr. Frank Grimsley was also present part of the time and I
24 believe that is all. I don't believe Mr. Neal was present
25 on that occasion.

1 Q That was in the City of Chattanooga?

2 A Yes, sir.

3 Q Where is Mr. Frank Grimsley to your knowledge?

4 Still in the vicinity of the City of Chattanooga?

5 A I imagine he is just across the hall. He was the
6 last time I saw him.

7 Q Well, that is good. Now, Mr. Hooker, did you
8 take any note or did you make any memorandum of that meeting?

9 A No, sir, I didn't make any notes or take any
10 memorandum of any kind.

11 Q Did you review with the witness his testimony?

12 A To some limited extent.

13 Q Now the review of his testimony, were they from
14 notes of the Department of Justice?

15 A Some memoranda that had been prepared that had
16 been furnished to me.

17 Q And who prepared the memoranda?

18 A I don't know.

19 Q Do you have those with you?

20 A Yes, sir.

21 Q Well, your Honor, could we see those?

22 MR. NEAL: Not until they establish that it is
23 Jencks material, your Honor.

24 MR. SILETS: He says he doesn't know who prepared
25 them under the circumstances.

1 MR. NEAL: Well, there are other witnesses to
2 call.

3 THE WITNESS: Other witnesses know who prepared
4 them. I think I know but I don't actually know of my own
5 knowledge. I didn't see them prepared and I have never been
6 told who prepared them. I am reasonably certain, but I know
7 they were not prepared simultaneously with any discussions
8 with the witness. Couldn't have been.

9 BY MR. SILETS:

10 Q Mr. Hooker, you went over those statements with
11 the witness?

12 A To a limited extent.

13 Q And were they correct as far as he was concerned?

14 A I would say in the great majority of instances.
15 Perhaps not in all instances.

16 Q So he acknowledged the correctness of those?

17 A No, I didn't ask him to do that. I merely asked
18 him various questions about his various stays in Nashville
19 during the other trial, the Test Fleet trial, and I didn't
20 ask him to prove or disprove anything I had written. I was
21 more interested in seeing what his own recollection was about
22 the events.

23 Q Did you show him these notes?

24 A No, sir, I did not.

25 Q When was the next time you spoke to him, if ever?

1 A I believe, Mr. Silets, it was the next day.

2 Q That is Tuesday?

3 A We've been right busy here and I may not be
4 absolutely accurate. I think I went back to see him, though,
5 after court adjourned on Tuesday.

6 Q And how long did you spend with him?

7 A I imagine 30 minutes.

8 Q Anybody else present?

9 A Oh, Mr. Sheridan was there part of the time.
10 Mr. Grimsley was there part of the time. Part of the time
11 nobody was there except myself and him.

12 Q And did you review the testimony at that time?

13 A Sir?

14 Q Did you review his prospective testimony at that
15 time?

16 A To an even more limited extent than I had pre-
17 viously.

18 Q Did you use the same memoranda in reviewing his
19 testimony?

20 A Well, in part. I didn't use any memoranda to
21 amount to anything. I just asked him a few questions about
22 his testimony and about matters he had discussed with me the
23 day before. And that was the extent of it.

24 Q Did you make any notes of your conversation?

25 A I did not.

1 Q Now, at any time was there a recording device
2 used to record?

3 A No, sir, not at any time in any conversation I
4 have ever had with him to my knowledge.

5 Q To your knowledge, now, have you ever seen any
6 memoranda which reflects a conversation in which you partici-
7 pated or facts which you elicited from this witness up here?

8 A No, sir, I have not.

9 Q You have never seen any of those?

10 A No, sir.

11 Q When was the next time you interviewed this man?

12 A That is the last.

13 Q Mr. Hooker, I gather you used a loose-leaf,
14 black volume in your examination of this witness?

15 A I think it is green, Mr. Silets, if that makes
16 any difference.

End Tk 36A 17
Tk 37 fls.

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1 Q Sorry, green volume. Does that volume contain
2 the memorandum to which you testified?

3 A Yes, sir.

4 Q Prepared by someone else you don't know?

5 A That is right.

6 Q Now, are those memorandum available for inspection
7 by the Court?

8 A Yes, sir, I have no objection to the Court's
9 seeing them. I don't think that it's proper for them to be
10 turned over to counsel. I have never heard of them--, I might
11 exchange with you on some basis.

12 Q Well, I wish I had a secret agent to exchange with.
13 Well, Your Honor, I ask that it be turned over
14 to the Court for examination.

15 THE COURT: Well, I really don't see how there
16 is any basis laid for that. I will examine it.

17 MR. BRANSTETTER: May it please the Court, I have
18 an unrelated matter as soon as this is finished. I have
19 made arrangements, as I stated to this court yesterday
20 afternoon, to get some connecting calls in shortly after
21 four-thirty on this date and I apologize to the Court for
22 making that statement, but I had made it on yesterday and
23 we got away a little too late for it and if it would be at
24 all possible to continue in the morning.

25 THE COURT: I was anxious--

1 MR. SILETS: (Interposing) Could we continue
2 this tomorrow morning, Your Honor?

3 THE COURT: Well--

4 MR. SILETS: After all it seems to be at least
5 four or five more people.

6 THE COURT: Well, really I have allowed the
7 examination here, I see--, I don't see any basis in the
8 record for what we have allowed here.

9 MR. NEAL: Your Honor, I think I could clear up
10 the matter of the memorandum Mr. Hooker referred to.

11 THE COURT: I have allowed the examination, as I
12 say, I don't see any basis for doing that.

13 MR. NEAL: I don't think there is either at all.

14 MR. SILETS: Well, Your Honor--

15 THE COURT: (Interposing) I will consider the
16 matter overnight and see whether it would be appropriate to
17 pursue it. In other words, we can't just go on fishing
18 expeditions on all of the side issues.

19 THE WITNESS: May I be excused?

20 THE COURT: Yes, sir.

21 THE WITNESS: I can talk tonight then, all right?

22 THE COURT: Yes, sir, you can talk tonight.

23 (Witness excused.)

24 MR. NEAL: Your Honor, we have no objection to
25 turning this over. You don't have any objection to turning

1 this over to the Court?

2 THE COURT: It's a question of making it an
3 exhibit in the record if the Court should not --, I don't see
4 where there is any basis.

5 MR. SILETS: Your Honor, it just seems to me after
6 a four and a half hour conference that somebody must have
7 taken some note and that when Mr. Hooker is using a large
8 volume to go over greatly detailed testimony either Mr.
9 Hooker, Mr. Neal or Mr. Reddy or Mr. Sheridan or Mr.
10 Grimsley, somebody somewhere must have taken some notes.

11 THE COURT: Well, Mr. Silets, if you have any
12 knowledge that there were and are willing to take the
13 witness stand and swear that is a fact the Court will let
14 you do that.

15 MR. SILETS: Your Honor, I wish I had been present
16 so that I could do that.

17 THE COURT: Well, if you have no such knowledge.

18 MR. SILETS: That is the purpose of this kind of
19 inquiry.

20 THE COURT: If there is nothing further then
21 let's adjourn court until nine o'clock.

22 MR. SILETS: Your Honor.

23 THE COURT: Yes, sir.

24 MR. SILETS: Your Honor is reserving this then
25 as to whether we are going to call Mr. Grimsley and so on?

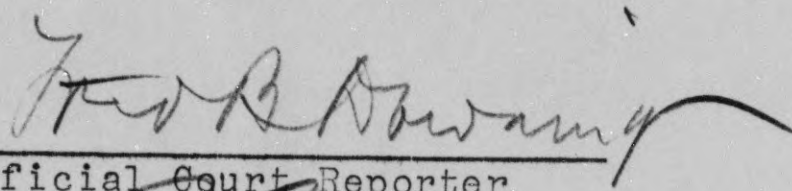
1 THE COURT: Yes, it will be reserved, yes.

2 (Thereupon, at 4:33 o'clock p. m., court was
3 adjourned until nine o'clock a. m. February 7, 1964.)
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REPORTER'S CERTIFICATE

I, Fred B. Downing, Official Court Reporter for the United States District Court, for the Eastern District of Tennessee, Southern Division, at Chattanooga, Tennessee hereby certify that Richard Smith and John E. Hamlin, court reporters, in accordance with stipulation of counsel for the parties filed in this case, recorded by machine shorthand the proceedings had in open court in the above styled case on February 6, 1964; and that said proceedings were reduced to typewriting under my supervision; and that the foregoing transcript is a true and correct transcript of the said proceedings to the best of my knowledge.

This the 6th day of February, 1964.


Official Court Reporter

IN THE DISTRICT COURT OF THE UNITED STATES

EASTERN DISTRICT OF TENNESSEE

SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff.

VS.

JAMES R. HOFFA, ET AL,

Defendants.

NO. 11,898

Date: January 22, 1964

Chattanooga, Tennessee

Before: Honorable Frank W.
Wilson, Judge

OFFICIAL TRANSCRIPT OF PROCEEDINGS

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THIRD DAY OF TRIAL

9:04 O'Clock A.M.
January 22, 1964

(Thereupon, pursuant to adjournment from January 21, 1964, court was in session.)

MR. HAGGERTY: May I address the Court?

THE COURT: Yes, sir, Mr. Haggerty.

MR. HAGGERTY: May it please the Court, in the first edition of the Chattanooga Times of Wednesday, January 22, 1964, on Page 1 of that paper appears a story in relation to the picking of the jury, the "Jury prospects now number six." It is transferred to Page 9, the continuation and in the next column that finishes the story is a story of "Senate probe witness says Hoffa told of keeping two sets of books." That is under a date line of Washington from Washington and it refers to the Senate Rules Committee that is investigating one Mr. Baker, former Clerk of the Majority Party of the United States Senate, and in that article a man by the name of Reynolds, Don B. Reynolds of Washington and Silver Springs, Maryland, testified before that committee yesterday and it is published, as I said, in a place of prominence in connection with the story of picking the jury to the effect that Mr. Hoffa, when he stated he wanted out of a certain real estate development deal in Florida wherein a loan of a half a million dollars was made via a Teamster

1 fund he stated he wanted out of the deal and to quote from
2 the paper he said that Hoffa said, "Hoffa, Reynolds said,
3 assured him 'They will never see your name.'

4 "He said Hoffa explained that 'I have got two
5 sets of books.'"

6 And a direct quote, "And Jimmy Hoffa told you
7 not to worry about it, that he had some other books that he
8 would show to the McClellan Committee?" asked Senator Carl
9 T. Curtis, a Republican in Nebraska, a member of both the
10 rules and McClellan Committees.

11 "Yes, sir," Reynolds answered."

12 Now, I say, may it please the Court, that that
13 is a scurrilous lie. This man Reynolds had testified before
14 the McClellan Committee. Again on the same page of this
15 issue is, "Union official is charged in plot," on next to
16 the last column on Page 9.

17 I say to your Honor that under the Delaney case
18 here we have a situation of the Senate Committee and one
19 cannot be so naive to believe that these prospective jurors
20 would not read their morning paper, it's whether or not they
21 are going to be jurors or whether they are going to be
22 excused from the panel or from the particular jury.

23 I say to you that under the Delaney case and
24 under the Briggs case of the Sixth Circuit, which holds that
25 to call to the prospective jurors' attention or to the jurors'

1 attention simply enlarges the offense, therefore, I move you
2 at this time for a continuance in this case because of this
3 highly prejudicial article at this crucial time while the
4 jury is being picked and I ask permission of the Court to
5 file this paper with the Clerk of the Court.

6 THE COURT: You will be permitted to file the
7 paper, Mr. Haggerty.

8 MR. SCHIFFER: Your Honor, may I address the
9 Court on the same subject?

10 THE COURT: May we identify that as Defendant
11 Exhibit No. 6?

12 (The paper referred to above was marked
13 Exhibit No. 6, Defendant Hoffa, and
received in evidence.)

14 MR. NEAL: I understand that will be the whole
15 paper, will it not, your Honor?

16 MR. HAGGERTY: The whole paper I am offering.

17 THE COURT: I assume that that is what is being
18 filed, it will be up to counsel to verify it.

19 MR. SCHIFFER: May we, on behalf of Mr. Parks,
20 your Honor, join in the motion just made by Mr. Haggerty?

21 THE COURT: All right. Does each defendant
22 desire to join in the motion? Any defendant that does not
23 desire to join in the motion? So announced. All defendants--

24 MR. GRADY: (Interposing) Your Honor, we would
25 like to amend in behalf of Mr. Tweel. We would like to join

1 in this motion and also would like to amend on our motion
2 for Mr. Tweel for a severance and add this as an additional
3 ground for that motion in addition to adopting it for him.

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5 End Tk 1
Tk 2 fls.

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1 MR. SILETS: Your Honor, on behalf of the
2 Defendant Dorfman we make similar motion and join in with
3 Mr. Haggerty for the continuance. But we join in with Mr.
4 Tweel's counsel for a severance and a separate trial for
5 Mr. Dorfman.

6 MR. BRANSTETTER: Defendant Campbell joins in the
7 motion in its totality insofar as made on behalf of Mr.
8 Dorfman.

9 THE COURT: All right.

10 MR. SCHIFFER: If the Court please, on behalf of
11 the Defendant Parks we likewise join in Mr. Tweel's motion.

12 THE COURT: All right.

13 MR. BROWN: If Your Honor please, on behalf of Mr.
14 King, as I understood the Court's ruling, all defendants
15 unless they singularly make some exception are included in
16 all these objections?

17 THE COURT: Yes. Yes.

18 MR. BROWN: Does that also include motions made,
19 Your Honor? If not, we on behalf of Mr. King would like to
20 join in the motion with counsel for Mr. Tweel.

21 THE COURT: Is there anything further? It is the
22 opinion of the Court that the motion to continue made on
23 behalf of each party should be overruled. It is the opinion
24 of the Court a motion to sever made upon behalf of each
25 party that has made a motion to sever, including the

1 original motion filed by Mr. Tweel as amended, should be
2 overruled.

3 MR. BRANSTETTER: May it please the Court, on
4 yesterday a juror by the name of Mrs. Gilliland was temporarily
5 seated and I had occasion to review the testimony this past
6 evening as to her statements and again I would like to at
7 this time move the Court to challenge Mrs. Gilliland for
8 cause and the cause being implied bias. The Court will re-
9 call and I am sure the Court read the motions that were filed
10 here sometime ago seeking a continuance based in part upon
11 editorials that had appeared in the newspaper that employs
12 Mrs. Gilliland's husband. In fact, I believe she testified
13 he had been employed by this newspaper for more than twenty
14 years. The editorials that are now before the Court and have
15 been made exhibits on motions clearly indicate an animosity
16 toward at least one of these defendants. We think that the
17 implied bias is quite more than sufficient to challenge this
18 juror for cause and since if it is such as to constitute an
19 implied bias and challenge for cause it would really be a
20 shame for this lady to remain here and be taken from the jury
21 at some later time with her family situation and the children
22 that she testified she had.

23 So, we again move that she be challenged for cause.

24 THE COURT: All right, may the Court assume that
25 each defendant joins in that motion? Any defendant that does

1 not join in it so advise the Court. Overrule the motion.

2 MR. BRANSTETTER: Then, may it please the Court, I
3 would challenge the lady peremptorily.

4 THE COURT: All right, sir. Mrs. Gilliland will be
5 excused on a peremptory challenge.

6 MR. NEAL: I understand, Your Honor, under the
7 order that is one challenge against the Defendant Campbell?

8 THE COURT: Yes. That is Juror No. 117, Mrs.
9 Elizabeth Gilliland?

10 THE CLERK: Yes, Your Honor.

11 THE COURT: All right, gentlemen.

12 MR. ALEXANDER: May it please the Court, I wonder if
13 the Clerk could read the names of the jurors that we now have
14 upon which voir dire examination will be commenced this
15 morning?

16 THE COURT: Yes, we will do that in just a moment,
17 Mr. Alexander.

18 Gentlemen, the Court has reflected overnight upon
19 the progress being made in the selection of the jury in this
20 case. In two days we have not yet selected a single juror
21 to try the case. We have completed the voir dire examination
22 upon six prospective jurors. One of whom has been excused.

23 If all challenges for favor or for peremptory
24 challenges, rather, are exercised it would be necessary to
25 complete an additional 30 voir dire examinations.

1 At the rate that we have been progressing, this
2 would require approximately three weeks to select a jury.
3 Now, the Court has desired to extent to both sides the
4 privilege of conducting your own voir dire examination. In
5 an order entered more than two weeks ago I instructed the
6 parties to submit a list of the subjects upon which they
7 proposed to conduct voir dire or otherwise the parties were
8 advised that the Court would take over the voir dire at any
9 time and require that it be conducted through the Court.

10 The government filed such a list of subjects. None
11 was filed on behalf of any defendant. I have, nevertheless,
12 extended to the parties the privilege of conducting their own
13 voir dire. The result I think on any fair, impartial review
14 of the situation is that it has been so slow, has so slowed
15 the progress of the trial, with matters that are not
16 appropriate to voir dire examination, but if appropriate at
17 all would be appropriate in the argument of the case, that
18 we stand today without a single juror selected.

19 Upon the six whose voir dire has been completed,
20 not a single one was completed within an hour. And several
21 ran considerably over an hour in length.

22 This Court if it is to administer justice must
23 function with reasonable dispatch. Procedures which prevent
24 the Court from functioning must not be allowed to continue.

25 I have, therefore, concluded, gentlemen, that the

1 procedures for conducting voir dire must be modified and
2 that the Court should take over the voir dire examination in
3 accordance with Rule 24 (a) of the Federal Rules of Criminal
4 Procedure. The examination of a single juror at a time will
5 be discontinued. A special number of jurors to complete
6 the panel with alternates will be examined at one time. The
7 examination will be by the Court and the parties may then
8 submit in writing to the Court additional questions and the
9 Court will submit such of them as it deems proper to the
10 jurymen under examination.

End

Tk 2

Tk 3

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1 Is there any question about the procedure?

2 MR. SILETS: Your Honor, I'd like to state for
3 the record that apparently, according to the Court's comments,
4 the government has served upon the Court a list of questions
5 or subjects. I have never been served with that, and I
6 object to the Court considering such subjects until I have
7 had an opportunity to reflect upon them, examine them, object
8 to them, and file objections with the Court.

9 Further, your Honor, I would like to state I
10 would like to have the opportunity and ask the Court to
11 recess, perhaps until after the noon hour, to submit in
12 writing to the Court a list of my own questions.

13 Your Honor, I regret that the Court feels that
14 the matter has been delayed, in fact, most of Monday was taken
15 with argument and we proceeded to examine only one prospective
16 juror. Yesterday we examined quite a number. The mere fact
17 that only five were actually put in the box and cleared does
18 not mean that we were not proceeding with due dispatch.

19 In the one-and-a-quarter days that we have
20 operated, we have six out of a possible twelve sitting in the
21 box. I must beg to differ with your Honor, in all due
22 deference, and suggest to the Court that this is a matter
23 of the very gravest concern to each of these six defendants.

24 Now, each defendant individually should not be
25 admonished or held to be in error because in each situation

2 1 the government has taken at least fifteen minutes with each
2 of these individuals, and it would seem in all fairness if
3 each of these defendants were tried separately they would be
4 given at least equal time to what the government took.

5 Now, on behalf of the Defendant Dorfman, if I
6 were given fifteen minutes, I don't think I have ever taken
7 more than fifteen minutes to examine a prospective juror.
8 Now, if the Court would like to reflect and only take one
9 minute then I'd say all right, if they feel they can do it in
10 one minute, maybe I will try in one minute, but they have
11 taken fifteen and I think, your Honor, I know it is within the
12 Court's discretion and I only plead with the Court as a matter
13 of fairness, but we have not had an opportunity to examine
14 this list in advance. We have had no opportunity to make
15 our own independent examination of these prospective jurors.

16 Here is a defendant coming from out of state
17 with an out-of-state attorney, which he has a perfect right
18 to do. I am his attorney for all other purposes, and he has
19 engaged me for this purpose. I have come to a hospitable
20 town but albeit an unknown town to me, I don't know the
21 community that these prospective jurors live in, I know
22 nothing about their background and I am confronted in the
23 first instance with a name and an address turned over to me
24 only on the morning of trial. I am confronted with the govern-
25 ment sending out agents, apparently making a thorough investi-

3
1 gation, taking fifteen minutes from their behalf and I am
2 only asking the Court that the Court reconsider in all fair-
3 ness to all parties.

4 It may take us a couple of extra days, but this
5 is a man's liberty, your Honor. He should be granted every
6 possibility to reflect upon a fair jury and that is not just
7 for a matter of cause, it may be that my client feels that
8 he doesn't like the way the man parts his hair and that is
9 his right, he has a peremptory challenge that he can make,
10 but he can't do that and I can't reflect with him and make
11 suggestions to him as to which of these jurors we should
12 exercise our right of a peremptory challenge unless we have
13 the chance to talk to them, inquire of them.

14 I only ask the Court to be fair to Mr. Dorfman
15 the way the government wants the Court and everybody wants
16 the Court to be fair to the government.

17 I suggest to the Court in all fairness that the
18 Court would reconsider and permit us to have equal time with
19 the government. If each of these defendants were given
20 fifteen minutes at the outside, it hasn't been taking that
21 long, which would be only the same amount of time that the
22 government has taken and at the very minimum that the Court
23 must continue in its approach, at least allow us or me a
24 recess for this morning so I may submit these suggested
25 subjects.

3 4 1 I have never seen the government's subjects. On
2 the Saturday last Mr. Reddy appeared as though he was going
3 to file that. He held off and it was never served. I have
4 never received a copy of it, and I would like to have the
5 opportunity to object or file objections to each of those
6 subjects.

7 THE COURT: All right.

8 MR. BRANSTETTER: May it please the Court.

9 THE COURT: Now, gentlemen, I want to hear you
10 but we are not going to take up the entire morning arguing
11 on this motion. You will limit your argument to a reasonable
12 time.

13 MR. BRANSTETTER: I will do so, may it please the
14 Court. I had understood in our conference on Saturday that
15 when objections had been filed timely to the suggestions made
16 by the Court as to methods and procedures and the submission
17 of suggestions an objection was made on behalf of the
18 Defendant Larry Campbell that he could not appropriately
19 submit to the Court at this time subjects upon which voir
20 dire would be conducted because he did not know what the
21 government's position would be with reference to proof and
22 it would be unfair, lacking in due process, to require him
23 at that time to submit any part of what might constitute
24 his defense or theory of his case.

25 I state to the Court with all due deference and

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1 respect that I am very much surprised at the proposed order.
2 The indications from the jury box on yesterday to a rational
3 mind it would appear to me would indicate on those persons
4 examined that some of them had a burning desire to sit on
5 this jury. Several stated they did. As to why they have this
6 burning desire, counsel should have an opportunity to inquire
7 at length.

8 On yesterday I found it has been taken by the
9 government, there was an average of fifteen minutes, forty
10 minutes on one juror that the Court excused for cause, twenty
11 minutes on another one that the Court excused for cause.
12 Counsel for no defendant were participating at all. I would
13 suggest most respectfully to the Court and suggest that the
14 Court could hold defense counsels to a position that the
15 government be allowed two minutes per juror and the defendants
16 allowed twelve minutes and we will confine ourselves to such
17 a procedure on examining jurors.

18 Now, I don't think this will result in a fair
19 trial and I state this honestly and frankly to the Court.
20 I don't think that justice can be pushed. I think to push it
21 beyond reason will result in injustice in this case, but --

22 THE COURT: (Interposing) Well, the Court agrees
23 with you that that proposed procedure would not be proper
24 and I would not consider doing it on that basis.

25 As you gentlemen know, the general rule throughout

- 6

1 all of the federal courts of the United States is for voir
2 dire to be conducted through the Court. The procedure that
3 we have adopted here was adopted as an exception to the
4 general rule. You are asking the Court now to do something
5 that is an exception to the general practice in conducting
6 the voir dire in federal courts throughout the United States.

7 The Court has attempted to allow you to conduct
8 the voir dire, but I think the Court needs to make no argu-
9 ment whatsoever for the decision that was made here this
10 morning. The record speaks for itself. We are in the third
11 day of this trial. We do not have a single juror selected.

12 If the parties feel that -- well, the motion will
13 be overruled and we will proceed in that manner, gentlemen.

14 MR. SILETS: I'd like to make one more motion,
15 if the Court please.

16 THE COURT: Yes, sir.

17 MR. SILETS: And ask the Court to not consider
18 any subject submitted by the government on the grounds that I
19 have not had an ample opportunity to reflect and draw my
20 objections to it.

21 MR. BERKE: I might state this is the first time
22 I ever heard of the government submitting something to the
23 Court, which the Court has, and counsel for the defendant
24 never having had an opportunity to see. That is not fair and
25 that hasn't been the practice before this Court.

1 THE COURT: The voir dire subjects should be
2 submitted by the parties. The Court was provided on Monday
3 with the subject matters of the government, subject matters
4 that the government submitted. Quite frankly in view of the
5 fact that the Court had not proposed to take over the voir
6 dire, the Court has not read the exhibit as submitted by the
7 government because it did not contemplate doing that in view
8 of the fact that no comparable list of subjects was submitted
9 by any defendant. However, it certainly is proper and appro-
10 priate that anything that is filed should be furnished to
11 each counsel for the defendant. Is there any reason why
12 that was not furnished to the defendants, Mr. Hooker?

13 MR. NEAL: Your Honor, it appears to be an over-
14 sight. As your Honor will remember we served numerous memo-
15 randa upon the Court. We tried assiduously to comply with
16 the Court's reasonable order of procedure. We filed memo-
17 randa of law. We filed requested instructions. And we
18 prepared but did not file Saturday the subject matter of
19 voir dire. We received nothing, not one single thing, from
20 any defendant. No requested instructions, no memoranda, no
21 subjects on voir dire. On Monday apparently the subjects
22 for voir dire were served on the Court. Apparently it is
23 an oversight. Here are copies for each defendant.

24 THE COURT: The Court likewise does not have a
25 copy. I don't know what has happened to the copy that you

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1 filed, but I do not have it. If you can furnish the Court
2 with a copy of it, too.

3 MR. NEAL: Yes, we can, your Honor, and it
4 appears that it was going to be unnecessary for the subject
5 matter on voir dire. It somehow was overlooked.

6 MR. BROWN: If the Court please, may I indulge
7 your Honor for just one matter of information?

8 THE COURT: Yes, sir.

9 MR. BROWN: It was my understanding that the pre-
10 trial, maybe it was erroneous that this had been waived or
11 order vacated. In accordance with the order I had prepared
12 the list of questions to be submitted to the Court and I
13 would ask at this time that I be allowed to submit the same
14 to the Clerk, with copies to each of the defendants and the
15 government.

16 THE COURT: All right. Yes, sir.

17 (Thereupon, the government passed papers to the
18 Clerk and defense counsel passed papers to the Clerk.)

19 THE COURT: The only purpose the Court has in
20 calling attention to the fact that the order was entered
21 some two weeks ago to that effect was to indicate the Court's
22 strong desire in this case to submit voir dire examination to
23 counsel on both sides. It is apparent, gentlemen, that the
24 conduct of the voir dire in the manner in which we have pro-
25 ceeded in the past two days is preventing the Court from

1 functioning in the manner in which it must function if it is
2 to administer justice, and the Court sees no alternative to
3 the instructions that have been given this morning.

4 All right, an opportunity will be afforded to the
5 defendants, a reasonable opportunity. We will not recess
6 this case for an indefinite period of time to permit you to
7 make questions. You've had all the time for the preparation
8 of the case to decide upon your voir dire. You have had the
9 experience of two days on voir dire in forming questions.
10 Many of you have operated from notes. We are not going to
11 take an indefinite recess now to permit you to prepare
12 questions and you should bear in mind that you are on notice
13 now to prepare such questions, but you will have a reasonable
14 opportunity at the completion of the Court's voir dire to
15 prepare such further questions as you think should be
16 directed.

17 All right, Mr. Dale. Now, we have five jurors
18 upon whom the voir dire has been completed. We will need a
19 total of 11 jurors to complete the panel with the alternates.
20 We already initiated the voir dire with respect to six addi-
21 tional jurors. Is that correct?

22 THE CLERK: Yes, your Honor.

23 THE COURT: So that we will need to call at this
24 time five more prospective jurors.

25 MR. SILETS: If your Honor please, may I suggest

1 to the Court that the additional six to which the Court
2 alludes were not given by the Court the general questions
3 posed by the Court to the original twelve. We had expired
4 the original twelve and the Court I believe overlooked the
5 fact that those 15 or 18 questions were not posed that were
6 posed to the twelve, and they were not posed to the remaining
7 six.

8 THE COURT: Yes. Well, we will conduct the
9 complete voir dire.

10 MR. BERKE: Your Honor, could we request in
11 what the defendant considers to be a fair procedure that
12 when you have the panel in there as a whole and after the
13 Court has made the voir dire examination to give the defendants
14 an opportunity for voir dire examination as a whole? With
15 a limited time? Because there are certain, in view of the
16 nature of the case and publicity, there are certain things
17 we would like to search out with the jury which perhaps the
18 Court might not do and could for just an extra 15 or 20
19 minutes safeguard some rights that we feel that the defendants
20 should have because of the nature of the case and in doing
21 that, we are not trying to delay the Court.

22 THE COURT: Mr. Berke, the Court would frankly
23 prefer to do that if I felt that it would be a proper function
24 or proper performance rather of my duties here. But I do not
25 believe it would. That procedure would be really very little

1 different from what we've been going through for two days.

2 MR. BERKE: No. What I mean is, make the ques-
3 tion while they are all here at one time and that wouldn't
4 be a repeat performance, your Honor. It would just give us
5 one opportunity to search out certain questions of the jury
6 as a whole and that shouldn't take over--

7 THE COURT: Mr. Berke, the reason that that
8 would not work in the Court's opinion is that there has been
9 entirely too much tendency on behalf of both sides of the
10 case to make their argument to the jury in their conduct of
11 the voir dire. The Court would not think that would be a
12 proper method and, therefore, the Court proposes as is the
13 responsibility and duty of the Court under the law to review
14 the questions that are to be submitted to the jury.

15 Call five additional jurors.

16 THE CLERK: No. 114, Vallie Colvin Jones.

17 THE COURT: The name I didn't get.

18 THE CLERK: No. 114, Vallie Colvin Jones.

19 No. 104, Mrs. Sam Oliver.

20 No. 145, Lake S. Liner.

21 No. 144, J. A. Deal.

22 No. 142, Cecil Kennedy, Jr.

23 THE COURT: Cecil who?

24 THE CLERK: Kennedy.

25 MR. GRADY: Could I address the Court, please?

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THE COURT: Yes, sir.

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MR. GRADY: Your Honor, on behalf of the Defendant

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Tweel we evidently had some misunderstanding on the pre-trial

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conferences.

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1 (Mr. Grady continuing.) We thought that Your Honor
2 had covered in orders the things that were discussed and that
3 an order would be put down later. And on this proposition of
4 jury questions here, of course, we are perfectly willing to
5 submit them and we were caught by surprise on that and we
6 don't want to get caught by surprise on one of the other
7 things that was discussed and we would just like to inquire
8 of the Court if the Court is at this time, if the Court at
9 this time has made any decision on the question of opening
10 argument? We would like to--, we don't want to delay the
11 Court by asking for time to prepare if the Court later decides
12 to give them, but we would like to prepare one if we are
13 going to need it.

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1 MR. NEAL: Your Honor, on that the government has
2 decided to go along with the regular procedure in this
3 district and accept the reading of the indictment for the
4 opening statement.

5 THE COURT: All right.

6 MARSHAL MANSFIELD: Your Honor, they are here.

7 THE COURT: All right. Now, have Juror No. 108,
8 Irvin L. Huber, 196, Thomas Kendall Wood, 179, B. S. White,
9 178, Cleston Davis, 127, E. D. Case, 129, Mrs. R. G. Harner,
10 together with the five jurors who have just been called to
11 report, No. 114, Mr. Jones, 104, Mrs. Oliver, 145, Mr. Liner,
12 144, Mr. Deal, 142, Mr. Kennedy, is that correct?

13 MR. NEAL: No, sir, No. 114 is Jones, 104 is
14 Mrs. Sam Oliver, 145 is Lake S. Liner and 144 is J. A. Deal
15 and 142 is Cecil Kennedy.

16 THE COURT: That is the order in which I read
17 them, did I not?

18 MR. HOOKER: May I ask that they be seated so we
19 can identify them, if Your Honor please.

20 THE COURT: Yes, we will identify them individually
21 first.

22 It is not the purpose in doing this, gentlemen,
23 to in any way withhold any proper information that any party
24 desires. If the parties will cooperate with the Court we
25 will get all of the information that you desire in this but

1 we are going to proceed in this manner. Just have a seat,
2 please.

3 (Thereupon, the 11 members of the venire referred
4 to above were brought into open court.)

5 THE COURT: Ladies and gentlemen, we are altering
6 our procedure in some respects this morning in conducting the
7 voir dire examination of the jury and I, therefore, asked that
8 all of you report here at this time in order that we might
9 direct the questions to all of you as a group and also to each
10 of you as an individual with regard to your qualifications
11 to serve upon the jury in this case should you be so selected.

12 Now, the Court, of course, desires that you
13 answer just as fairly and frankly and honestly the questions
14 that may be directed to you as is within your power to do
15 in order that everyone may understand fully just what your
16 qualifications are and form a judgment as to the impaneling
17 of the jury in order that a fair and impartial jury may be
18 selected.

19 First may I direct my attention to each of you in
20 order for the purpose first of just identifying you. As I
21 call your name will you hold up your hand so that we may each
22 see to whom we are speaking. Irvin L. Huber. (Mr. Huber
23 raised his hand.)

24 All right. Thomas Kendall Wood.

25 (Mr. Wood raised his hand.)

1 B. S. White. (Mr. White raised his hand.)

2 Cleston Davis. (Mr. Davis raised his hand.)

3 Ellis D. Case.

4 MR. GRADY: What is the name?

5 THE COURT: Case. (Spelling.) C-A-S-E. Mrs.

6 R. G. Harner. (Mrs. Harner raised her hand.)

7 Vallie Colvin Jones. (Mr. Jones raised his hand.)

8 Mrs. Sam Oliver. (Mrs. Oliver raised her hand.)

9 Mr. Lake S. Liner. (Mr. Liner raised his hand.)

10 Mr. James A. Deal. (Mr. Deal raised his hand.)

11 And Mr. Cecil Kennedy, Jr. (Mr. Kennedy raised

12 his hand.)

13 MR. KENNEDY: Your Honor?

14 THE COURT: Yes, sir.

15 MR. KENNEDY: I should have told this Monday. I
16 am a heart patient recovering from a heart attack and I don't
17 know whether I should be here or not and I didn't call the
18 specialist I am going to because the letter said not to. I
19 was so confused Monday I didn't know what I was doing and I
20 didn't bring it to your attention then. I am taking
21 resurpin and they have to do a protholmon every twenty-eight
22 days to control my blood.

23 THE COURT: Who is your doctor, Mr. Kennedy?

24 MR. KENNEDY: Dr. E. White Patton here in
25 Chattanooga. He is a specialist that my doctor down in South

1 Pittsburg sent me to.

2 THE COURT: When did you last consult him?

3 MR. KENNEDY: I was there the 4th of January this
4 year.

5 THE COURT: And you are presently taking medication
6 for the difficulty?

7 MR. KENNEDY: Yes, sir, I have to take a blood
8 thinner and resurpin to control my blood pressure and that
9 requires a blood examination every twenty-eight days in order
10 to maintain it at a certain level.

11 THE COURT: If you are required to remain together
12 with the jury throughout the trial of the case do you feel
13 that it would be detrimental to your health?

14 MR. KENNEDY: I don't know. I only bring it to
15 the attention of the Court the circumstances and so forth.

16 THE COURT: Have you consulted your doctor at all
17 about the possibility of serving on the jury?

18 MR. KENNEDY: No, sir.

19 THE COURT: Do you have to consult the doctor with
20 any regularity or do you have any scheduled appointments with
21 him?

22 MR. KENNEDY: Yes, sir, I see this specialist.

23 THE COURT: Just have a seat.

24 MR. KENNEDY: I see the specialist, Dr. Patton,
25 every 12 weeks and then Dr. Havron who is local doctor in

1 the hospital down at South Pittsburg, I see him every 28
2 days.

3 THE COURT: And when was the last time that you
4 saw the doctor?

5 MR. KENNEDY: I saw Dr. Patton the 4th of January.

6 THE COURT: You are scheduled to see him shortly
7 after the first of February?

8 MR. KENNEDY: I am scheduled to see him, well, I
9 have the appointment card. I don't know exactly.

10 THE COURT: Well, if it's 28 days after the last
11 time it would be shortly after the first of February.

12 MR. KENNEDY: Yes, sir, I have to go back to the
13 hospital in South Pittsburg.

14 THE COURT: All right. You will be excused.
15 (Mr. Kennedy was excused.)

16 THE COURT: Call an additional juror.

17 MR. DALE: No. 167, Mrs. Dyer Butterfield.

18 THE COURT: What was the number, please?

19 MR. DALE: 167.

20 THE COURT: While we are waiting on Mrs. Butter-
21 field to report, addressing my remarks--

22 MARSHAL MANSFIELD: Have order in the courtroom,
23 please.

24 THE COURT: Addressing my remarks to the last
25 four jurors to report, Mr. Jones, Mrs. Oliver, Mr. Liner and

1 Mr. Deal, the Court has conceived it proper in this case in
2 the interest of assuring a fair and impartial trial that the
3 jury should be retained together until the case has been
4 tried and has been decided. That means that the jurors will
5 remain together each evening at a local hotel.

6 You will, of course, be permitted to make the
7 necessary arrangements in that regard. You will be permitted
8 to keep necessary contacts with your family or with others
9 whom it is necessary for you to be in touch with from time
10 to time.

11 Is there any one of the four jurors who have just
12 reported for jury duty that feel that they could not serve
13 under those circumstances? First, Mr. Jones, do you have any
14 reason why you could not serve under those circumstances?

15 MR. JONES: No, Judge, Your Honor.

16 THE COURT: Just keep your seat.

17 MR. JONES: Thank you, sir. Now, the only thing
18 is that we are short of help at the place I work. We have
19 been sold out in the last week, we have changed hands and
20 our operation has changed hands and other than that I wouldn't
21 try to make any excuse, sir.

22 THE COURT: All right, sir. Mrs. Oliver, is there
23 any reason why you could not serve under those circumstances
24 and reasons?

25 MRS. OLIVER: No, sir.

1 THE COURT: Mr. Liner, is there any reason why
2 you could not serve under those circumstances?

3 MR. LINER: Not that I know of.

4 THE COURT: Mr. Deal, is there any reason why you
5 could not serve under those circumstances?

6 MR. DEAL: Well, Your Honor, I am a little hard of
7 hearing and I have taken a cold that makes me worse, I don't
8 know how long it will last, but outside of that why--

9 THE COURT: (Interposing) What age person are
10 you?

11 MR. DEAL: I am 65.

12 THE COURT: Sixty-five. I believe the Court will
13 excuse you, Mr. Deal.

14 MR. HOOKER: Is that Mr. Deal, Your Honor?

15 THE COURT: Mr. Deal, No. 144. Call an additional
16 juror.

17 MR. DEAL: No. 164, Ralph C. Hutson.

18 THE COURT: The number, please?

19 MR. DEAL: 164.

20 MR. ALEXANDER: Is that (spelling) H-U-S-S-E-Y?

21 THE CLERK: Hutson.

22 THE COURT: Ralph Hutson.

23 THE CLERK: Ralph C. Hutson.

24 THE MARSHAL: No conversation in the Court, please.

25 THE COURT: Mrs. Butterfield, the Court has

1 concluded in this case that in the interest of a fair and
2 impartial trial that the jury should be retained together
3 until the case has been tried and has been decided. That
4 means that it will be necessary for the jury to remain toget-
5 her in a local hotel each evening until the case has been
6 tried. The Court, of course, has no way of knowing how long
7 the case may last. It's reasonable to assume from what the
8 Court knows of the case that the case would last from three
9 to four weeks or possibly longer and possibly a shorter time
10 than that. I have no way of knowing, but, of course, you will
11 be permitted to communicate with your family to make necessary
12 arrangements for such service and to be in touch with your
13 family or others should it be necessary that that be done.
14 Any such communication or contact, of course, would have to
15 be monitored in the interest of maintaining the proper
16 supervision in the case.

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1 THE COURT: Mr. Hutson, if you will, too, I am
2 addressing these remarks at the present time to Mrs. Butter-
3 field, but I can likewise address them to you at this time
4 and that is that the Court has concluded in the case in the
5 interest of preparing for the trial that the jury should
6 remain together during the course of the trial of the case
7 and until the case has been tried and decided. That means
8 that the jury will be required to stay in a local hotel here
9 in Chattanooga each evening and you will be permitted to
10 make necessary arrangements for such service. You will be
11 permitted during that time to have necessary contact with
12 persons with the family and with others that may be necessary
13 and appropriate to communicate with.

14 But is a reason, Mrs. Butterfield, why you feel
15 that you cannot serve under those circumstances?

16 MRS. BUTTERFIELD: Well, your Honor, I don't know
17 that I would be competent juror because I would be concerned
18 over my family at home.

19 THE COURT: What family do you have?

20 MRS. BUTTERFIELD: I have a husband and seventeen-
21 year-old daughter at home.

22 THE COURT: Is your daughter in school?

23 MRS. BUTTERFIELD: Yes, sir.

24 THE COURT: Where does she go to school?

25 MRS. BUTTERFIELD: TPI.

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1 THE COURT: Is there any arrangements that you
2 might be able to make with someone helping with the household
3 duties there and you can serve?

4 MRS. BUTTERFIELD: Well, I would suppose so,
5 yes, sir.

6 THE COURT: Do you have any plan in mind that
7 might make it possible for you to serve?

8 MRS. BUTTERFIELD: Well, I'm sure that I could
9 probably have some just as any other woman could.

10 THE COURT: Of course, the Court wants to be
11 considerate of family relationships and I can certainly under-
12 stand and appreciate the problem you have. On the other hand,
13 of course, we also have a problem of getting fair and honest
14 and capable and upstanding citizens to serve on the jury.

15 MRS. BUTTERFIELD: I understand.

16 THE COURT: Do you feel like you just could not
17 serve without --

18 MRS. BUTTERFIELD: Well, I couldn't honestly say
19 that I could not serve, no, sir, I couldn't say that. I have
20 no small children.

21 THE COURT: All right. Mr. Hutson, is there any
22 reason why you could not serve under those circumstances?

23 MR. HUTSON: Well, as far as I know I reckon not.

24 THE COURT: You have the problem in regard to the
25 operation of a barbershop?

MR. HUTSON: Yes, sir.

THE COURT: Have you been able to make any kind of arrangement in that regard since you have been here?

MR. HUTSON: Well, no, I called a boy that worked there, a partner that works with me, and explained to him that I was, you know, down here today and didn't know when I would be off or what. Of course, he said he would try to do the best he could with it.

THE COURT: Do you have another gentlemen that works with you in the shop?

MR. HUTSON: Yes, there is two of us. You misunderstood or someone did the other day, see, I don't own this shop. In other words, the boy owns the shop and I work with a boy, so what we do, two days a week we go to the mountain to the rest home which there are probably one hundred people or so there that we look after. Old gentlemen we have to look after them and cut their hair two days a week. That is why I asked so we wouldn't have to close the shop two days a week, see.

THE COURT: I see.

MR. HUTSON: I mean for regular customers that come in. See, that was the problem of that.

THE COURT: Yes, sir. Well, I can certainly appreciate how that would be a problem.

MR. HUTSON: Of course, I understand my duty. I

- 4 1 understand everybody's duty. And if they need me and want me,
2 why it is all right with me.

3 THE COURT: All right. Now, then, ladies and
4 gentlemen, let me address some questions to all of you as a
5 group and if any of you have any appropriate reply or any
6 appropriate comment that you wish to make don't hesitate to
7 speak up individually. First, are each of you over the age
8 of twenty-one years?

9 Are each of you citizens of the United States?

10 Are each of you residents of this district? Let
11 me read you the counties that comprise the district. This
12 district, this division of the district, this division is
13 made up of Bledsoe County, Bradley County, Hamilton County,
14 McMinn County, Marion County, Meigs County, Polk County,
15 Rhea County, and Sequatchie County.

16 Are each of you a resident of one of those
17 counties?

18 Have either of you served upon the jury within
19 the federal court, this court, within the immediate year
20 that is past?

21 Ladies and gentlemen, there is for trial in this
22 case, the style of this case is the United States of America
23 versus James R. Hoffa, Larry Campbell, Thomas Ewing Parks,
24 Allen Dorfman, Nicholas J. Tweel, and Ewing King.

25 There are four counts in this indictment which is

5 - 5 1 for trial in which in each count one or more of the defendants
2 are charged with having violated the laws of the United States
3 relating to the having corruptly endeavored to influence,
4 intimidate, impede the administration of justice within a
5 United States District Court, namely, within the United States
6 District Court at Nashville, Tennessee.

7 Now, are there any of you who are in any way
8 acquainted with or in any way related to either of the
9 defendants, Mr. James R. Hoffa, Mr. Larry Campbell, Mr.
10 Thomas Ewing Parks, Mr. Allen Dorfman, Mr. Nicholas J. Tweel,
11 or Mr. Ewing King?

12 Gentlemen, do you have any objection to these
13 clients standing in order as their names are called in order
14 that the jury might see each defendant?

15 MR. SILETS: Your Honor, did you also introduce
16 the counsel for each?

17 THE COURT: I propose to do that. Do you wish
18 to do that at the same time?

19 MR. SILETS: I might suggest that to the Court.

20 THE COURT: All right, if Mr. Hoffa will please
21 stand then, and his attorneys.

22 (Mr. Hoffa standing.)

23 All right, Mr. Hoffa, you may have a seat. His
24 attorneys are Mr. Haggerty of Detroit, Michigan. (Mr.
25 Haggerty standing.)

5 - 6 1 Mr. Harry Berke of Chattanooga, Tennessee.

2 (Mr. Berke standing.)

3 And his associates, Mr. Marvin Berke. (Mr.
4 Marvin Berke standing.) Of the Chattanooga, Tennessee, Bar.

5 The next defendant is Mr. Larry Campbell.
6 (Defendant Campbell standing.) Mr. Campbell is of Detroit,
7 Michigan. Is that correct, Mr. Branstetter?

8 MR. BRANSTETTER: That is correct, may it please
9 the Court.

10 THE COURT: And his attorney is Mr. Cecil
11 Branstetter of Nashville, Tennessee. (Mr. Branstetter standing.)

12 The next gentleman is Mr. Thomas Ewing Parks.
13 (Mr. Parks standing.) Mr. Parks is a resident of Nashville,
14 Tennessee?

15 MR. SCHIFFER: Yes, sir.

16 THE COURT: And his attorney is Mr. Jacques M.
17 Schiffer of New York. (Mr. Schiffer standing.)

18 The next defendant is Mr. Allen Dorfman of Chicago,
19 Illinois. (Mr. Dorfman standing.) And his attorney is Mr.
20 Harvey M. Silets. (Mr. Silets standing.) Mr. Silets is of
21 Chicago, Illinois.

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1 The next defendant is Mr. Nicholas J. Tweel.
2 (Mr. Tweel standing.) And his attorneys are Mr. Dave Alexander
3 of Franklin, Tennessee. (Mr. Alexander standing.)

4 Mr. Henry Grady. (Mr. Grady standing.) Mr. Grady
5 is from Chattanooga, Tennessee.

6 And the last defendant here on trial is Mr. Ewing
7 King. (Mr. King standing.) Mr. King is of Nashville,
8 Tennessee. And his attorney is Mr. Harold Brown of Chattanooga,
9 Tennessee. (Mr. Brown standing.)

10 While I am introducing the counsel may I also
11 introduce to you the counsel for the government in the case,
12 Mr. John Hooker of Nashville, Tennessee. (Mr. Hooker standing.)

13 Mr. James F. Neal of Washington, D. C. (Mr. Neal
14 standing.)

15 And Mr. Jack Reddy of Chattanooga, Tennessee.
16 (Mr. Reddy standing.)

17 Now, then, having made these introductions, may
18 I inquire again as to whether any person now on the jury panel
19 is in any way acquainted with or in any way related to
20 either of the defendants in the case?

21 Are there any members of the jury that are in
22 any way acquainted with or in any way related to any of the
23 attorneys that I have introduced to you as representing the
24 various parties and representing the government?

25 All right, Mrs. Butterfield, what is your

1 acquaintance?

2 MRS. BUTTERFIELD: I know Mr. Grady by sight.

3 THE COURT: I see, have you had any occasion to
4 transact any professional business with him or any other
5 business?

6 MRS. BUTTERFIELD: No, sir.

7 THE COURT: Are you and Mr. Grady members of any
8 organization together that you are aware of?

9 MRS. BUTTERFIELD: Not that I know of.

10 THE COURT: Is your acquaintanceship with Mr.
11 Grady such as to cause any embarrassment to you in serving
12 upon the jury and performing your duty as you in good
13 conscience feel that it should be performed?

14 MRS. BUTTERFIELD: No, sir.

15 THE COURT: All right, the other gentleman?

16 MR. JONES: I know Mr. Berke.

17 THE COURT: Mr. Jones, what is your acquaintance-
18 ship with Mr. Berke?

19 MR. JONES: I just know him.

20 THE COURT: Has he ever represented you in any
21 matter?

22 MR. JONES: No, sir.

23 THE COURT: And in what manner have you become
24 acquainted with him?

25 MR. JONES: Oh, just through friends and meet him
in court. The last was in 1962.

1 THE COURT: Have you had occasion to be in court
2 in some matter in which he was interested or in which he was
3 an attorney?

4 MR. JONES: Yes, sir, I was on the jury when he
5 had a case.

6 THE COURT: I see. Is that a reasonable state-
7 ment the extent of your acquaintanceship with Mr. Berke?

8 MR. JONES: Beg your pardon, sir?

9 THE COURT: I say, is that a reasonable statement
10 of the extent of your acquaintanceship with Mr. Berke?

11 MR. JONES: Well, just--you might say that I just
12 know Mr. Berke, there's nothing there that I would state that
13 would influence me in any way.

14 THE COURT: Nothing in that relationship you
15 think that would in any way embarrass you in the performance
16 of your duties as a juror?

17 MR. JONES: I don't think so, sir.

18 THE COURT: All right. You think that you would
19 be able to perform your duties toward his client fairly and
20 impartially?

21 MR. JONES: I do, sir.

22 THE COURT: And you think you would be able to
23 perform your duties toward the government fairly and im-
24 partially?

25 MR. JONES: Yes, sir.

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THE COURT: Irrespective of that acquaintanceship?

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MR. JONES: Yes, sir.

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THE COURT: Likewise, Mrs. Butterfield, do you think that your acquaintanceship with Mr. Grady would permit you to perform your duties fairly and impartially toward his client?

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MRS. BUTTERFIELD: Yes, sir.

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THE COURT: And fairly and impartially toward the government?

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MRS. BUTTERFIELD: Yes, sir.

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THE COURT: Now, then you have heard me briefly explain the charges in the indictment and at an appropriate stage in the trial of the case the charges will be more fully and amply explained to you, but the indictment charges that the offenses occurred, as I mentioned, in Nashville, Tennessee, in the United States District Court in Nashville, Tennessee, and the indictment charges that these offenses occurred during October and November of 1962.

Now, are there any of you who have any knowledge or any information of any sort with regard to the charges made in the indictment or with regard to the matters in this lawsuit? Yes, sir.

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MR. DAVIS: A salesman from Nashville discussed this case with me right after it happened.

THE COURT: A salesman from Nashville?

1 MR. DAVIS: Yes.

2 THE COURT: Let me get your name, please, sir.
3 You are Mr. Davis?

4 MR. DAVIS: Yes, sir.

5 THE COURT: When was this that you had this
6 conversation, Mr. Davis, or approximately when?

7 MR. DAVIS: I don't remember, it was in the
8 summer, sometime back in the summer.

9 THE COURT: I see. Did the person who talked
10 with you purport to know anything about the case?

11 MR. DAVIS: Well, he seemed to, I don't know now.

12 THE COURT: Did he purport, without stating what
13 matters he said to you, did he purport to know the facts of
14 the case or purport to convey to you any of the facts?

15 MR. DAVIS: Well, he said he did, that's all I
16 know, is what I have heard.

17 THE COURT: Did he purport to convey any impres-
18 sion to you that he might have about the merits or the
19 demerits of the case, without saying what that impression
20 was?

21 MR. DAVIS: He seemed to know, I don't know now
22 just what he told me is all I know.

23 THE COURT: Well, as a result of your conversation
24 with him, did you gain any impression of the case, without
25 saying what that impression was?

1 MR. DAVIS: Well, of course, naturally, I did.

2 THE COURT: You did gain an impression, sir?

3 MR. DAVIS: Sure I did.

4 THE COURT: And from that conversation and from
5 that impression do you feel that you have any impression or
6 any opinion about the case at this time without saying what
7 that impression or what that opinion is?

8 MR. DAVIS: Would you repeat that?

9 THE COURT: Do you have any impression as you sit
10 there now, do you feel that you have any impression whatso-
11 ever with respect to this case or any opinion with respect
12 to this case?

13 MR. DAVIS: Yes, I do.

14 THE COURT: And do you feel that it would take
15 some evidence upon behalf of one side or the other of this
16 lawsuit in order to remove that impression or to remove that
17 information which you may have received from this source?

18 MR. DAVIS: Yes, sir, it would.

19 THE COURT: Do you feel that under those circum-
20 stances that you would not be able to enter upon this case
21 with an open mind and without in any way allowing anything
22 that you had heard outside of the courtroom to in any way
23 influence your judgment or your opinion of the case?

24 MR. DAVIS: Well, I would try to but I couldn't
25 say.

1 THE COURT: You do feel, though, that you have
2 such an opinion, such an impression as would require some
3 evidence before you could remove that?

4 MR. DAVIS: Yes, sir.

5 THE COURT: All right, Mr. Davis, you will be
6 excused.

7 (Mr. Davis was excused.)

8 THE COURT: Call an additional juror.

9 MR. DALE: No. 163.

10 THE COURT: I believe--well, all right, go ahead
11 and call that one.

12 THE MARSHAL: No conversation in the court,
13 gentlemen. Mr. Pierce, if you wouldn't mind, if you will
14 just have that back seat, please, sir, so everyone will be
15 in proper order.

16 You are Mr. Ernest Clifton Pierce, is that correct?

17 MR. PIERCE: Yes, sir.

18 THE COURT: Mr. Pierce, the Court has concluded
19 in this case that it is proper and appropriate to insure a
20 fair and impartial trial, both to the government and to each
21 of the defendants in the case, that the jury should remain
22 together in the case until the case has been tried and has
23 been decided. That means that the jury will remain together
24 in a local hotel here in Chattanooga. You will be permitted
25 to make necessary arrangements with your family and to keep

1 necessary contacts with your family and with others whom it
2 may be necessary and appropriate for you to contact from
3 time to time, but that will have to be, of course, under
4 proper supervision.

5 Now, then is there any reason why you could not
6 serve on the jury under those circumstances?

7 MR. PIERCE: No, sir, I don't know of any.

8 THE COURT: All right. Mr. Pierce, first, may
9 I ask you, you are over 21 years of age and citizen of the
10 United States, are you?

11 MR. PIERCE: Yes, sir.

12 THE COURT: And what county are you a resident of?

13 MR. PIERCE: Bradley County.

14 THE COURT: All right. Have you served in this
15 court, the United States District Court, on jury duty within
16 the past year?

17 MR. PIERCE: No, sir.

18 THE COURT: Mr. Pierce, the case that is for
19 trial before the Court at the present time is the case of
20 United States of America vs. James R. Hoffa, Larry Campbell,
21 Thomas Ewing Parks, Allen Dorfman, Nicholas J. Tweel and
22 Ewing King.

23 It is charged in this indictment that one or
24 more of these defendants in each of the four counts that are
25 for trial did corruptly endeavor to influence, intimidate,

1 impede the proper administration of justice in the United
2 States District Court at Nashville, Tennessee, and it is
3 alleged that the offense occurred during the months of October
4 and November of 1962.

5 Now, with that brief explanation and a more
6 detailed explanation, of course, will be made of these
7 charges should you be selected to serve on the jury, with
8 that brief explanation, however, do you have any knowledge
9 or any information about any of the matters in the indictment
10 or relating to the charges that the defendants stand on trial
11 for?

12 MR. PIERCE: No, sir, nothing other than a little
13 I have read in the paper.

14 THE COURT: All right. We will want to come back
15 and talk to you about that a little later in the examination.

16 Now, are you in any way acquainted with or in
17 any way related to either of the defendants, and if it is
18 agreeable with counsel and with the defendants I again will
19 introduce them and their attorneys in order that Mr. Pierce
20 may know them.

21 Mr. Hoffa. Mr. Hoffa has as counsel Mr. Haggerty
22 of Detroit and Mr. Berke, Mr. Harry Berke, also associated
23 is Mr. Marvin Berke.

24 (Each person stood as his name was called.)

25 Mr. Larry Campbell of Detroit, who is represented

1 by Mr. Cecil Branstetter, an attorney of Nashville.

2 Mr. Thomas Ewing Parks of Nashville, who is
3 represented by Mr. Jacques M. Schiffer, an attorney of New
4 York.

5 Mr. Allen Dorfman of Chicago, who is represented
6 by Mr. Harvey M. Silets, an attorney of Chicago.

7 Mr. Nicholas J. Tweel of Huntington, West Virginia,
8 who is represented by Mr. Dave Alexander of Franklin, Ten-
9 nessee, and Mr. Henry Grady of Chattanooga, Tennessee.

10 And Mr. Ewing King of Nashville, Tennessee, who
11 is represented by Mr. Harold Brown of Chattanooga.

12 At the same time the government is represented
13 by Mr. John J. Hooker of Nashville, Mr. James Neal of Washington
14 and Mr. John Reddy of Chattanooga.

15 Now, then, sir, are you in any way acquainted
16 with or in any way related to either of the defendants?

17 MR. PIERCE: No, sir.

18 THE COURT: Are you in any way acquainted with
19 or in any way related to either of the attorneys that I have
20 introduced to you?

21 MR. PIERCE: No, sir.

22 THE COURT: Are you related to or acquainted
23 with anyone of whom you know has an interest in any way in
24 this lawsuit?

25 MR. PIERCE: No, sir, not that I know of.

1 THE COURT: Ladies and gentlemen, has anyone
2 talked to any of the jurors as they are now seated in the
3 box about this case or anyone who purported to know any of
4 the facts with regard to the case?

5 Have any of you formed or expressed an opinion
6 as to the guilt or the innocence of the defendants and each
7 defendant in the case?

8 Do any of you have any prejudice against any
9 party to this lawsuit that would in any way prevent your
10 trying the case solely on the basis of the evidence that is
11 admitted here for your consideration by the Court and on the
12 basis of the instruction of the Court?

13 You understand, do you not, the importance of
14 every person having his case tried solely in the court and
15 solely on the evidence that is produced in court under the
16 proper supervision of the Court?

17 End Tk 7
18 Tk 8 fls.

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Tr. 8
DC 1

1 THE COURT: Do any of you know of any reason why
2 you could not sit upon this jury and perform your duty to
3 your government on the one hand and to each of the defendants
4 upon the other hand, fairly and impartially, without fear on
5 the one hand or without favor upon the other hand, and give
6 each of the parties a fair and impartial trial in the case
7 and decide the case solely upon the evidence that you hear
8 and in accordance with the instructions of the Court?

9 As you sit there now, does any of you have any-
10 thing in his or her mind that would in any way prevent you
11 from performing your duties as I have just outlined them, as
12 I have just described them?

13 MRS. OLIVER: Your Honor, I have.

14 THE COURT: Yes, ma'am.

15 MRS. OLIVER: I have never been in a courtroom
16 before and I certainly wouldn't feel that I would have
17 experience or would know how to properly -- I just don't feel
18 capable.

19 THE COURT: Well, Mrs. Oliver, of course, you
20 like everyone, you understand what it is to be fair and what
21 it is to be impartial, do you not?

22 MRS. OLIVER: Yes, sir, I sure do.

23 THE COURT: And do you feel you could do that
24 in this case and be that in this case?

25 MRS. OLIVER: I do. I wonder if it is someone

- 2

1 who has performed this duty before would not be better to do
2 it than I would.

3 THE COURT: Well, every person charged with an
4 offense is entitled to be tried by a jury of his peers.

5 MRS. OLIVER: Surely.

6 THE COURT: That means by a jury of his equals
7 and a jury of the citizens, good, upstanding citizens,
8 honest citizens.

9 MRS. OLIVER: Yes, sir.

10 THE COURT: Citizens that want to be fair and
11 want to be impartial. Citizens that want to abide by the
12 law themselves. And want to give benefit of all the law to
13 everyone else and want to enforce the law however with regard
14 to everyone else. Do you feel that you would meet those
15 qualifications?

16 MRS. OLIVER: I believe in being fair, I believe
17 in being very fair and very honest, and I would certainly do
18 my best, but I am certainly not experienced.

19 THE COURT: All right. The only experience
20 required to be a good juror is to have the qualities that the
21 Court has just outlined for you, Mrs. Oliver.

22 Now, will each of you accept the law in this
23 case as being that which the Court charges to you or instructs
24 you is the law? And will you apply that law to the facts as
25 you may find them to be, irrespective of any opinion that you

- 3

1 might have about what you think the law ought to be? Do you
2 feel that you can each do that? That you can apply the law
3 and accept the law as the Court charges you?

4 Do you understand the importance of trying every
5 lawsuit on the basis of the law as it is given to you by the
6 Court and not attempting yourselves to make law or attempting
7 to substitute your own opinion of what the law ought to be
8 as compared with what the Court instructs you that the law
9 is?

10 Do you understand that we are not here as a
11 legislative body? We are not here for the purpose of making
12 law. That we are here for the purpose of applying the law as
13 it has been duly enacted and adopted by our constitutional
14 authorities?

15 Do you understand that our constitutional system
16 could not work if juries and courts were to attempt to make
17 law as distinguished from applying the law as adopted by our
18 constitutional authorities?

19 Now, then, may I address myself to each of you
20 individually. Mr. Huber?

21 IRVIN L. HUBER,

22 a venireman, having been first duly sworn, was examined and
23 answered as follows:

24 EXAMINATION BY THE COURT:

25 Q I notice that you live here in Chattanooga?

1 A Yes, sir.

2 Q You are a married man?

3 A Yes, sir.

4 Q What family do you have?

5 A Three children and a wife.

6 Q You have lived here for eight years?

7 A Yes, sir. I lived in the vicinity of Chattanooga

8 for twenty years. I lived in Chattanooga Valley prior to

9 moving into Chattanooga.

10 Q You are an electrical engineer with the Tennessee

11 Valley Authority?

12 A Yes, sir.

13 Q How long have you been with the Tennessee Valley

14 Authority?

15 A Since 1937.

16 Q Where did you take your college work?

17 A University of Louisville.

18 Q You are employed by the Tennessee Valley Authority?

19 A Yes, sir.

20 Q And did you advise the Court how long you had

21 been with the Tennessee Valley Authority?

22 A I have been permanent with them since I was first

23 employed back in 1937, and I spent part of 1937, 1938, and

24 1939 as a co-operative student and I've been under their

25 steady employment since July 1940 when I graduated from

college.

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- 1 Q Have you held any position with the government
2 other than with the Tennessee Valley Authority?
3 A Other than my hitch in the Navy.
4 Q When were you in the Navy?
5 A In the Navy from 1943 to 1946.
6 Q Do you feel that your connection, your employment
7 would in any way interfere with your deciding this case as
8 you in good conscience think that it should be decided after
9 hearing all the evidence and after receiving the instructions
10 of the Court and following those instructions?
11 A No, sir.
12 Q Do you know of any reason why your employment
13 with the Tennessee Valley Authority might in any way inter-
14 fere with your performing that duty in the manner in which
15 I have described it?
16 A No, sir.
17 Q Do you have any prejudice against first the
18 prosecution in this case?
19 A No, sir.
20 Q Do you have any sympathy for the prosecution or
21 anyone connected with the prosecution?
22 A No, sir.
23 Q Do you have any prejudice or feeling of ill will
24 toward any defendant in this case?
25 A No, sir.

- 2

1 Q Do you have any sympathy for any defendant in
2 this case that would in any way interfere with your performing
3 your duty in accordance with the instructions of the Court?

4 A No, sir.

5 Q Do you have pending any litigation at this time
6 in any court?

7 A No, sir.

8 Q Have you been involved in any litigation either
9 as a witness or as a party heretofore?

10 A No, sir. I have served on the Hamilton County
11 Grand Jury five years ago, approximately five years ago.

12 Q Have you had more than one occasion to serve on
13 the jury?

14 A No, sir. No, sir.

15 Q And in that jury service did you sit upon the
16 trial of civil lawsuits in which monetary damages were in-
17 volved?

18 A It concerned a suit on this urban renewal, just
19 property damages.

20 Q Did you sit upon the trial of any criminal cases?

21 A No, sir.

22 Q Do you have any other members of your family or
23 close relatives who are employed by the government or have any
24 connection with the United States Government?

25 A No, sir.

• Huber

3 - 3 1 Q Do you have any close relative who is in any way
2 employed by or in any way connected with either of the
3 defendants to your knowledge?

4 A No, sir.

5 Q Are you or have you been a member of any labor
6 organization?

7 A No, sir, except that, sir, we have just a local
8 engineering association, we call it, the TVA Engineering
9 Association. It is not affiliated with any national organiza-
10 tion whatsoever.

11 Q Have you had any personal difficulty or incon-
12 venience or problem with any labor organization?

13 A No, sir.

14 Q Do you have any bias or prejudice against any
15 labor organization?

16 A No, sir.

17 Q More specifically, do you have any bias or
18 prejudice against the Teamsters Union?

19 A No, sir.

20 Q Is there anything in the conduct of the Teamsters
21 Union that would in any way prevent you from trying this
22 case solely on the evidence and the instructions of the
23 Court?

24 A No, sir.

25 Q And deciding it fairly and impartially?

8 - 4

1 A No, sir.

2 Q Do you have any bias or any prejudice for a
3 person of another race than yourself?

4 A No, sir.

5 Q Would the fact that one or more of the defendants
6 might be of another race in any way influence your decision
7 in this case or deprive him of any right that he might have
8 or give him rights that he otherwise would not be entitled
9 to have?

10 A No, sir.

11 Q Mr. Huber, to what extent have you read publicity,
12 if any, about this lawsuit?

13 A I've read very little of it, your Honor.

14 Q What?

15 A In that just very little other than just the
16 headlines. I have never read a complete article on any of
17 it.

18 Q And what publications have you gained that from?

19 A Newspapers.

20 Q Which newspaper?

21 A I take the morning newspaper.

22 Q That would be the Chattanooga Times?

23 A Chattanooga Times, yes, sir.

24 Q From what you have read, have you formed any
25 opinion about the lawsuit?

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1 A No, sir, I haven't.

2 Q Do you know any reason why you could not enter
3 upon your duties if selected as a juror giving each of the
4 defendants the benefit of the presumption of innocent until
5 and unless that should be, unless it should be established by
6 the evidence that he was guilty as charged beyond any reason-
7 able doubt?

8 A No, sir.

9 Q Did you have anything to do with your being
10 selected as a juror in this case?

11 A No, sir.

12 Q Did you request anyone to be selected as a juror
13 in the case?

14 A No, sir.

15 Q Has anyone talked with you or in any way communi-
16 cated with you about this case or about your serving as a
17 juror on the case in such a manner as to seek to influence
18 you in the way that you perform your duties as a juror?

19 A No, sir.

20 Q Are you subject to any pressures or influences
21 from any source that might prevent you from rendering a
22 fair and impartial verdict based on the evidence and on the
23 law as given by the Court?

24 A No, sir.

25 Q Would you have any prejudice against any party or

v 8. - 6

1 any attorney in the case by reason of the fact that he might
2 reside in another state from the state in which you reside?

3 A No, sir.

4 Q Since you've been here under subpoena for jury
5 duty, has any information come to you that would prevent you
6 from being impartial in the case?

7 A No, sir.

8 Q Would you be willing to judge each witness in
9 this case and determine the credibility that should be given
10 his testimony on the individual merit of the witness, giving
11 no preference on the one hand nor discriminating in any way
12 on the other hand against the testimony of the witness merely
13 because he was a government witness on the one hand or because
14 he was a witness for the defendant upon the other hand? Do
15 you think that you could weigh the testimony of each witness
16 upon its individual merit?

17 A I will do my best, sir. Yes, sir.

18 Q Well, the mere fact that a witness on the one
19 hand might be a law enforcement officer or upon the other
20 hand might be of another occupation, would that in any way
21 prevent you from weighing the evidence of each witness
22 carefully and properly and on its individual merit and not
23 because of some occupation a person might hold?

24 A No, sir.

25 Q What organizations are you a member of, Mr. Huber?

. Huber

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8. - 7

1 A Well, first I'm a churchman. I'm a member of the
2 Methodist church and chairman of its Board.

3 Q Which church?

4 A Woodmore Methodist in North Brainerd. Then next
5 I'm a Kiwanian of the Brainerd Kiwanis Club. I have been a
6 member there fifteen years of the Kiwanis Club.

7 Q Any other organizations?

8 A And I'm a member of the Scout Organization. I'm
9 chairman of the Scout Organization in our church.

TK 8A End
TK 9 fls

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1 MR. ALEXANDER: I understand he has said he is
2 a member of the board of the Methodist church.

3 MR. HUBER: Yes, sir, I am chairman.

4 THE COURT: All right.

5 THOMAS KENDALL WOOD,

6 a venireman, having been first duly sworn, was examined and
7 answered as follows:

8 EXAMINATION BY THE COURT:

9 Q Mr. Wood?

10 A Yes, sir.

11 Q You live at 302 Asbury Drive, is that correct?

12 A Yes, sir.

13 Q You are an accounting clerk. What specifically,
14 what does your work consist of, Mr. Wood?

15 A I am in the transportation accounting office of
16 TVA and we keep accounts on all TVA transportation equipment.

17 Q How long have you been with the Tennessee Valley
18 Authority?

19 A Be 29 years in April of this year.

20 Q Where did you take your education, what city were
21 you educated in?

22 A Well, I went to Central High School in Chattanooga
23 here and Edmundson School of Business and I have had
24 extension work in accounting.

25 Q All right. Is there anything about your employment

1 with the Tennessee Valley Authority that would in any way
2 interfere with or influence you in the performance of your
3 duties as a juror so as to either be prejudiced against or
4 in sympathy for the government on the one hand?

5 A No, sir.

6 Q Or prejudiced against or in sympathy for either
7 of the defendants upon the other hand?

8 A No, sir.

9 Q Have you had any problems with the United States
10 Government that would cause you to feel any prejudice against
11 the government or against more specifically the prosecution
12 in this case?

13 A No, sir.

14 Q Do you now have any litigation pending?

15 A No, sir.

16 Q Have you been involved in any litigation of any
17 kind, either as a party or as a witness?

18 A No, sir. I have been on jury duty.

19 Q When did you perform jury duty before?

20 A Two years ago last May.

21 Q And where?

22 A At the courthouse, Hamilton County Courthouse.

23 Q Hamilton County?

24 A Yes, sir.

25 Q Have you served upon the jury panel more than

1 one time previous to this?

2 A Just one time is all.

3 Q Was there anything in that jury service that
4 would in any way either create a sympathy on your part for
5 one side in this lawsuit or a prejudice against a side in
6 this lawsuit?

7 A No, sir.

8 Q Are you presently or have you ever been connected
9 with any labor organization?

10 A No, sir. I belong to the office workers employees
11 union.

12 Q Is there anything in that union membership that
13 would in any way create any sympathy for or any prejudice
14 against any party to this lawsuit?

15 A No, sir.

16 Q Have you had any connection with or has any member
17 of your family had any connection with the Teamsters Union?

18 A No, sir.

19 Q Have you yourself or has any member of your
20 family, suffered any difficulty or any loss or any prejudice,
21 on the one hand, by reason of any activity of the Teamsters
22 Union?

23 A No, sir.

24 Q Or have you received any benefit by reason of
25 any activity of the Teamsters Union that you are aware of?

1 A No, sir.

2 Q Do you have any bias against or any prejudice
3 against labor organizations as such?

4 A No, sir.

5 Q And do you have any bias against or prejudice
6 against the Teamsters Union, more specifically?

7 A No, sir, I do not.

8 Q Do you have any feeling toward a person of another
9 race that would in any way influence you in the performance
10 of your duties fairly and impartially?

11 A No, sir.

12 Q Do you believe that people, irrespective of their
13 race, are entitled to equal treatment before the law?

14 A Yes, sir.

15 Q Do you have any prejudice against or feeling for
16 any person merely by reason of the fact that he may reside
17 in another state from that in which you reside?

18 A No, sir, I do not.

19 Q If any defendant or any attorney in this case
20 comes from some other location within the United States,
21 would that in any way influence you in rendering a fair
22 and impartial verdict?

23 A No, sir.

24 Q Has anyone talked with you in any way or in any
25 way communicated with you about this case or about your

1 serving on the jury in this case in a manner that would seek
2 to influence you in any way in serving upon the jury?

3 A No, sir.

4 Q Are you subject to any pressures or influences
5 from any source that might prevent you from rendering a fair
6 and impartial verdict based upon the evidence and the law?

7 A No, sir.

8 Q Since you have been here subpoenaed for jury
9 duty, have you received or heard or read anything that would
10 in any way prevent you from being impartial?

11 A No, sir.

12 Q To what extent, if any, have you read about this
13 lawsuit or about any of the parties to the lawsuit?

14 A I have read very little about it and what little
15 I have read has been in the Free Press, the Chattanooga Free
16 Press.

17 Q The Chattanooga Free Press?

18 A Yes, sir.

19 Q From what you have read have you gained any
20 impression or any opinion as to either the guilt or innocence
21 of any defendant here for trial?

22 A No, sir, I have not.

23 Q As you sit there in the jury box is there anything
24 in your mind that would prevent you or cause you to try this
25 case in a manner other than strictly on the evidence that you

1 hear in court and the instructions of the Court?

2 A No, sir.

3 Q Would you be willing to judge each witness upon
4 his individual merit, giving no preference to any witness
5 merely because of his occupation, giving no preference or no
6 prejudice either against a witness merely because he was
7 produced by one side or the other side but weigh the testimony
8 of each witness fairly and impartially?

9 A Yes, sir.

10 Q Would you likewise be willing to weigh the
11 testimony of each witness on its merit irrespective of the
12 fact that on the one hand the witness might be a law enforce-
13 ment officer and on the other hand he might be of another
14 occupation, could you weigh his testimony on his individual
15 merit?

16 A Yes, sir.

17 Q What organizations are you a member of, Mr. Wood?

18 A I am an usher at the Highland Park Baptist
19 Church in Chattanooga and I belong to the Downtown Optimist
20 Club, I'm secretary of the Optimist Club.

21 Q Have you seen or read or heard any matter that
22 would cause you to enter upon your duties with any pre-formed
23 judgment about this case?

24 A No, sir.

25

1

B. S. WHITE,

2

a venireman, having been first duly sworn, was examined and

3

answered as follows:

4

EXAMINATION BY THE COURT:

5

Q Mr. White, I believe you live at Athens, Tennessee

6

is that correct?

7

A Yes, sir.

8

Q I notice it's Route 5. Where is Route 5 from

9

downtown Athens?

10

A Well, it's out in the country.

11

Q About how far out?

12

A About three miles.

13

Q How long have you been a farmer?

14

A I have been a farmer about eight years.

15

Q Before that what was your occupation?

16

A Well, before that I ran the American Legion Club

17

at Athens and before that I worked at a furniture store and

18

before that I was a deputy sheriff and before that I went to

19

school.

20

Q I see you are a married man, I believe?

21

A Yes, sir.

22

Q What family do you have?

23

A I have two girls and two boys, four children and

24

my wife.

25

- 1 Q What is the range of their ages?
- 2 A One is 12 and one is 13 and one is 9 and one is 3.
- 3 Q Now, do you farm for yourself or for someone else?
- 4 A No, sir, I own my own farm.
- 5 Q What type of farming do you do?
- 6 A Well, I raise tobacco and cattle and hay and corn.
- 7 Q Are you, yourself, a smoker?
- 8 A Yes, sir.
- 9 Q Mr. White, how long have you lived there at your
- 10 present home?
- 11 A At my present home?
- 12 Q Yes.
- 13 A Well, I haven't lived at my present home but
- 14 three months but I lived just up from there about eight years,
- 15 you see, I built a new house.
- 16 Q Oh, you built a new house?
- 17 A Yes, sir.
- 18 Q I see. Have you ever been a member of a labor
- 19 organization?
- 20 A No, sir.
- 21 Q Have you ever been employed by or connected with
- 22 the United States Government?
- 23 A No, sir, except in the service.
- 24 Q What military service did you have and when?
- 25 A I served in the United States Marine Corps from

1 1942 until 1945.

2 Q In connection with your service in the Marine
3 Corps, did you by any chance meet Mr. Tweel who, I believe,
4 at that time was an officer?

5 MR. SILETS: No, Mr. Dorfman.

6 Q Mr. Dorfman who was an officer in the Marine
7 Corps?

8 A No, sir.

9 Q Did you have any experiences in the Marine Corps
10 that would cause you to have any sympathy for or any prejudice
11 against Mr. Dorfman?

12 A No, sir.

13 Q Have you had any problems or difficulties with
14 the government that would cause you to feel any prejudice
15 against the prosecution in this case?

16 A No, sir.

17 Q Have you had any experiences with the government
18 that would cause you to feel any sympathy for the government
19 in the prosecution in this case?

20 A No, sir.

21 Q Do you have any litigation pending at the present
22 time?

23 A No, sir.

24 Q Have you ever been involved in any litigation,
25 either as a party or as a witness?

1 A No, sir.

2 Q Have you ever had any previous jury service?

3 A No, sir.

4 Q Have you ever been the beneficiary of or ever
5 suffered any detriment by any activity upon behalf of a labor
6 organization?

7 A No, sir.

8 Q To your knowledge has any member of your family?

9 A No, sir.

10 Q More specifically, have you ever had any diffi-
11 culty with or have you ever received any benefit from the
12 Teamsters Union?

13 A No, sir.

14 Q Do you have any bias or prejudice against the
15 Teamsters Union that might in any way influence your duties
16 if you are serving on this jury?

17 A No, sir.

18 Q Do you have any sympathy for the Teamsters Union
19 that might in any way interfere with your performance of
20 your duties on the jury in this case?

21 A No, sir.

22 Q Do you have any sympathy for or prejudice against
23 another person or a person of another race than yourself
24 that would in any way influence your performing your duties
25 on this jury?

A No, sir.

1 Q Do you feel that every person, regardless of
2 race, is entitled to equal treatment before the law?

3 A Yes, sir.

4 Q Have you read any publicity or heard any tele-
5 vision or radio accounts of any of the defendants in this
6 case or any matter pertaining to this lawsuit?

End Tk 9A 7
Tk 10 fls.

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1 A No, sir, only just flashes over the TV and head-
2 lines in the newspaper.

3 Q What newspaper do you read or have you read?

4 A Chattanooga papers.

5 Q Which paper?

6 A The Chattanooga Free Press.

7 Q From what you have read or from what you have
8 heard have you formed any opinion about the guilt or innocence
9 of any party to this lawsuit?

10 A No, sir.

11 Q From what you have read or from what you have
12 heard would you enter upon this case with any pre-conceived
13 idea about the case or about how it ought to be decided?

14 A No, sir.

15 Q Have you in any way requested to be selected for
16 service on this jury?

17 A No, sir.

18 Q Has anyone talked with you or in any manner
19 communicated with you about this case or about your serving
20 as a juror in this case in a manner that would seek to
21 influence you in any way in serving upon the jury?

22 A No, sir.

23 Q Are you subject to any pressures or influences
24 from any sort that might prevent you from rendering a fair
25 and impartial verdict based upon the evidence and the law

1 as it is given to you by the Court?

2 A No, sir.

3 Q Do you have any prejudice against or sympathy for
4 a person that may reside in another state of the United States
5 than the one in which you reside or than the community from
6 which you reside?

7 A No, sir.

8 Q Since you have been here subpoenaed for jury duty,
9 have you received or heard or read any information that would
10 in any way prevent you from being impartial should you be
11 selected in the trial of this case?

12 A No, sir.

13 Q Would you be willing to judge each witness upon
14 his individual merit and weigh his testimony irrespective of
15 whether he was produced on the one hand by the government or
16 by the defendants upon the other hand? Would you be willing
17 to do that?

18 A Yes, sir.

19 Q Would you be willing to weigh each witness and
20 the credibility that you will give to him on his individual
21 merit irrespective of the fact that he might on the one hand
22 be a law enforcement officer or upon the other hand be of
23 another occupation?

24 A Yes, sir.

25 Q What organizations are you a member of?

1 A I'm a member of First Baptist Church at Athens.
2 Member of the American Legion Post at Athens. Member of the
3 VFW post at Athens. And member of the Elks Lodge at Athens.

4 Q What theatres were your military services in?

5 A Military service from 1942 to 1945.

6 Q Were you in the Pacific?

7 A Yes, sir.

8 THE COURT: Mr. Case?

9 E. D. CASE,

10 a venireman, having first been duly sworn, was examined and
11 answered as follows:

12 EXAMINATION BY THE COURT:

13 Q Mr. Case, I see you live at South Pittsburg?

14 A Yes, sir.

15 Q Do you live right in South Pittsburg or live
16 outside of town?

17 A No, sir, it is about a mile or mile and a half
18 below South Pittsburg toward the Alabama line.

19 Q Is it on this side of the line?

20 A Yes, sir.

21 Q What family do you have, Mr. Case?

22 A Well, I'm divorced from my wife. I have a son.

23 Q Where was your home, where were you raised?

24 A I was raised in South Pittsburg.

25 Q Is that where you went to school?

1 A In and around South Pittsburg, yes, sir, I went
2 to school at South Pittsburg.

3 Q I notice that you are an assistant unit operator
4 with the power operations of the Tennessee Valley Authority?

5 A Yes, sir.

6 Q Is that correct?

7 A Yes, sir.

8 Q Your place of employment is down at Stevenson,
9 Alabama, which operations is that?

10 A That is the Willis Creek Steam Plant.

11 Q How long have you been with TVA?

12 A Ten years.

13 Q What did you do before that?

14 A Before that, sir, I was in the Service and for
15 a short time after service I worked in Detroit, Michigan
16 with the Hudson Body Plant.

17 MR. BERKE: If Your Honor please, we can't hear
18 some of the answers. It is just impossible.

19 THE COURT: Because of the noise in the courtroom?
20 Or they are not speaking loud enough?

21 MR. BERKE: I don't know what it is, just can't
22 hear it.

23 MR. BRANSTETTER: Primarily the distance, may it
24 please the Court.

25 THE COURT: All right, Mr. Case, if you will--

1 Can you hear the Court, gentlemen?

2 MR. SCHIFFER: Yes, sir.

3 MR. HOOKER: Yes, sir.

4 MR. BERKE: Yes, sir.

5 MR. BRANSTETTER: Yes, sir.

6 BY THE COURT:

7 Q Mr. Case, if you will, just speak out. It is not
8 just important that I hear you, but it is important that
9 everyone in the courtroom hear what you have to say. All of
10 these people are interested in you right now. I notice on
11 your questionnaire--

12 MR. BERKE: Where did he say he worked before,
13 Your Honor, he went--, we didn't get that?

14 Q (By the Court) Where did you say you worked
15 before?

16 A I worked with the Hudson Body Plant in Detroit for
17 about six months. And prior to that I was in the armed forces
18 in the Army.

19 Q United States Army?

20 A Yes, sir.

21 Q Where did you serve in the Army?

22 A In Japan and Korea.

23 Q As a result of your military experience would you
24 have any sympathy for or prejudice against any person or any
25 defendant who might himself have been an officer in the

1 military forces?

2 A No, sir.

3 Q I notice that you indicate on your questionnaire
4 that due to the weather conditions you are operating a small
5 force at the steam plant. If you have to serve on this jury
6 are we going to be without electricity?

7 A Well, I hope not, sir. I think those conditions
8 have rapidly changed in the last few days.

9 Q If the weather stays this temperate then as it is
10 now you think we will have electricity?

11 A I think we will have power.

12 Q All right, have you had any dealings with the
13 United States government that would cause you to feel any
14 sympathy for or any prejudice against the prosecution in this
15 case?

16 A No, sir.

17 Q Are you presently involved in any litigation or
18 have you been involved in any litigation either as a party
19 or a witness?

20 A No, sir.

21 Q I beg your pardon?

22 A No, sir.

23 Q Have you had any previous jury service?

24 A No, sir.

25 Q Are you a member of any labor organizations?

1 A The union, sir.

2 Q Which organization?

3 A AF of L, CIO, Local 721.

4 Q And what organization is that, is that the IBEW?

5 A Yes, sir.

6 Q Do you have any sympathy for or any prejudice
7 against any unions that would in any way influence you in
8 the performance of your duties here as a juror?

9 A No, sir.

10 Q Do you have any sympathy for or any prejudice
11 against the Teamsters Union that would in any way interfere
12 with your performance of your duties here fairly and
13 impartially?

14 A No, sir.

15 Q Have you received any benefit from or suffered
16 any detriment at the hands of the Teamsters Union that might
17 in any way influence you?

18 A No, sir.

19 Q Do you have any feeling of sympathy on the one
20 hand or prejudice on the other hand toward a person of another
21 race that would in any way interfere with your performing
22 your duties as a juror?

23 A No, sir.

24 Q Do you feel that every person regardless of race
25 are entitled to be treated equally before the law?

A Yes, sir.

• Case

TR 10A
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1 Q To what extent have you read or heard any
2 publicity in connection with any matters pertaining to this
3 lawsuit?

4 A Very little, sir. I would say just a few pieces
5 in the Chattanooga Times and a few television broadcasts.

6 Q Did you see a television broadcast last week by
7 any of the parties, participated in by any of the parties to
8 this lawsuit?

9 A No, sir, I didn't.

10 Q Did any members of the jury see that? All right.
11 What you may have seen, from what you may have seen or read
12 or heard from any source, has that caused you to form any
13 opinion about the guilt or the innocence of any party in this
14 case?

15 A No, sir.

16 Q As you sit there now, do you feel that you are an
17 impartial juror insofar as any party to this lawsuit is
18 concerned?

19 A Yes, sir, I do.

20 Q Has anyone talked with you in any way or in any
21 way communicated with you about this case or about your
22 serving as a juror in this case in a manner that would seek
23 to influence you in any way in serving upon the jury?

24 A No, sir.

25 Q Are you subject to any pressures or any influences

. Case

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1 - 2 1 from any source that might prevent you from rendering a
2 fair and impartial verdict based upon the evidence and the
3 law?

4 A No, sir.

5 Q Do you have any prejudice for or any sympathy
6 for a person who may be a resident of another state and might
7 be a party or attorney in this lawsuit?

8 A No, sir.

9 Q Do you understand that all citizens of the United
10 States are entitled to equal treatment regardless of in what
11 court they may be involved in a particular lawsuit?

12 A Yes, sir.

13 Q Since you've been subpoenaed for jury service,
14 have you seen or read or heard any matters that would in any
15 way prevent you from being impartial in this case?

End 10A 16 A No, sir.

TK 11 fls

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Case -- Harner

1 Q Would you be willing to judge every witness upon
2 his individual merit?

3 A Yes, sir.

4 Q Giving no preference to a witness merely because
5 he was produced by one side or by the other side?

6 A No, sir.

7 Q Would you likewise be willing to judge each
8 witness upon his individual merit, irrespective of whether
9 he was a law enforcement officer on the one hand or of some
10 other occupation on the other hand?

11 A Yes, sir.

12 Q What organizations are you a member of?

13 A Member of the Jaycees and I attend the Presbyterian
14 in Richard City.

15 Q Speak out.

16 A Member of the Jaycee organization and I attend
17 the Presbyterian Church in Richard City.

18 THE COURT: All right.

19 MRS. R. G. HARNER,

20 a venirewoman, being first duly sworn, was examined and
21 answered as follows:

22 EXAMINATION BY THE COURT:

23 Q Mrs. Harner, you are a housewife, is that correct?

24 A Yes, sir.

25 Q What family do you have?

1 A I have three daughters, one is married and two
2 at home.

3 THE COURT: Please be quiet, please, as quiet
4 as you can in the courtroom. It is difficult to hear and,
5 Mrs. Harner, likewise I request that you speak out loudly so
6 everybody in the courtroom can hear.

7 MRS. HARNER: I have a husband and two daughters
8 at home.

9 BY THE COURT:

10 Q All right. What does your husband do?

11 A He's a manufacturer.

12 Q What does he manufacture and who is he associated
13 with?

14 A He and his brother have a--actually an enameling
15 plant, the name of it is the T and H Company.

16 Q How long has he been engaged in that occupation
17 or business?

18 A Oh, about 17 years.

19 Q Where is the business located?

20 A It's at 2701 Eighth Avenue.

21 Q Here in Chattanooga?

22 A Yes, it is.

23 Q I notice that you live at Alta Vista Drive. How
24 long have you lived there?

25 A About 27 years.

1 Q Since you have been married, have you been
2 employed at any occupation other than as a housewife?

3 A Well, yes, I am a former school teacher and I
4 have taught one year since I have been married and I sub-
5 stitute in the schools.

6 Q Have you or has any member of your family been
7 employed by the United States Government or connected with
8 the United States Government in any capacity?

9 A No, sir.

10 Q Have you had or has any member of your family had
11 any benefits from the United States Government or suffered
12 any detriment at the hands of the United States Government
13 that would in any way influence your serving as a juror in
14 this case impartially?

15 A No, sir.

16 Q Do you have or have you had any litigation
17 pending or litigation in which you were a party a witness
18 before?

19 A No, sir.

20 Q Any member of your family that has had such
21 litigation?

22 A No, sir.

23 Q Have you served on any jury before?

24 A I served in the Hamilton County jury in 1961.

25 Q Is that the only previous jury service you have

1 had?

2 A Yes, sir.

3 Q Mrs. Harner, have you had any connection with
4 or has any member of your family had any connection with any
5 labor organization?

6 A No, sir.

7 Q Have you have any benefit from or any detriment
8 from the activities of the Teamsters Union?

9 A No, sir.

10 Q Do you have any bias or prejudice against the
11 Teamsters Union?

12 A No, sir.

13 Q That would in any way influence your sitting upon
14 the jury in this case and acting impartially?

15 A No, sir.

16 Q Do you have any sympathy for or any prejudice
17 against a person of another race that would in any way enter
18 upon your performance of your duties as a juror?

19 A No, sir.

20 Q To what extent have you read or heard about this
21 lawsuit or any matter pertaining to the lawsuit or any party
22 in the lawsuit?

23 A I haven't read very much. What I have read has
24 been in the News-Free Press and, of course, I have heard
25 snatches on the television and on the radio.

1 Q What you have heard and what you have read has
2 that caused you to form any opinion about the facts in the
3 lawsuit?

4 A No, sir.

5 Q Has it caused you to form any opinion one way or
6 the other about the guilt or the innocence of any party to
7 the lawsuit?

8 A No, sir.

9 Q You indicated that you saw a television program
10 last week in which one of the defendants participated, is
11 that correct?

12 A I did.

13 Q Did you observe the program throughout?

14 A Yes, sir.

15 Q Or a portion of the program?

16 A I observed it throughout.

17 Q Was there anything in that observation that
18 caused you to form any opinion about that defendant or about
19 any defendant that would in any way influence you in the
20 trial of this lawsuit?

21 A No, sir.

22 Q Did you in any way request or seek to be selected
23 on the jury in this case?

24 A No, sir.

25 THE COURT: Mr. Case, I failed to ask you that

1 question. Did you in any way request or seek to be called
2 as a juror in this case?

3 MR. CASE: No, sir.

4 BY THE COURT:

5 Q Mrs. Harner, has anyone talked to you, with you,
6 or in any manner communicated with you about this case or
7 about your serving as a juror in this case in a manner that
8 would seek to influence you in any way in serving upon the
9 jury?

10 A No, sir.

11 Q Are you subject to any pressures or influences
12 or is any member of your family, to your knowledge subject
13 to any influences or any pressure that would in any way
14 prevent you or interfere with your rendering a fair and
15 impartial verdict in this case?

16 A No, sir.

17 Q Do you have any sympathy for or prejudice against
18 another person by reason of his residing in some other
19 portion of the United States?

20 A No, sir.

21 Q That might be a party or might be an attorney
22 in this case?

23 A No.

24 Q Would you be willing to judge each attorney and
25 each party on the basis of his individual performance and

1 individual merit?

2 A I would.

3 Q Irrespective of his residence, would you be
4 willing to judge each witness upon his individual merit,
5 irrespective of whether he was produced by the government
6 on the one hand or by the defense on the other hand?

7 A I would.

8 Q Would you be willing to judge each witness on
9 his individual merit, irrespective of whether he was a law
10 enforcement officer on the one hand or whether he was of
11 some other occupation on the other hand?

12 A Yes, sir.

13 Q What organizations are you a member of?

14 A I am a member of the Central Presbyterian Church
15 and a book club is about the extent of my organizations.

16 THE COURT: Mr. Jones--

17 MR. BROWN: (Interposing) If the Court please,
18 may we ask the Court for a recess?

19 THE COURT: All right, yes. Let's take about
20 a 10-minute recess at this time.

21 (Thereupon, a recess was had, following which
22 the members of the venire referred to above were excluded
23 from the courtroom and in their absence the following pro-
24 ceedings were had, to-wit:

25 MR. SILETS: May it please the Court, I would

1 like to offer an objection to two of the questions that the
2 Court is repeating to the prospective jurors. The first is
3 the one which if the Court will bear with me I try to
4 accurately report, "Anyone contact you in a manner that
5 would seek to influence you in this case in any way?"

6 Now, your Honor, I suggested to the Court pre-
7 viously that the very nature of this charge being one, at
8 least as to Count 4 of my defendant, my client, an obstruc-
9 tion of justice by attempting to influence a jury in Nash-
10 ville, Tennessee. Now, I have in my voir dire questions to
11 the other jurors never broached this subject.

12 Now, the fact that other defendants may have
13 does not preclude me and should not preclude me from objecting
14 to the fact that they have or the Court is now doing so.
15 There is a clear inference by this question to this panel
16 that perhaps someone as a defendant may try or have tried
17 to influence them in any manner. Now, I--

18 THE COURT: (Interposing) If that were a fact
19 or if their response should be positive to that question,
20 do you think that that would be improper information to
21 elicit?

22 MR. SILETS: It's not that, your Honor.

23 THE COURT: Well, yes, it is that, Mr. Silets.

24 MR. SILETS: Well, I am going to ask the Court
25 to declare a mistrial as to this panel based upon this

1 improper question.

2 Secondly, I am going to ask the Court to declare
3 a mistrial to the fact that the Court has on each occasion
4 as to each of these prospective jurors said, "The Court has
5 concluded that it is necessary to keep the jury together."
6 The same clear inference being that unless they are not to
7 stay together that someone will try to reach them to influence
8 them in their decisions and it's going to be a clear reflec-
9 tion on each of these defendants that but for the fact that
10 they are being kept together they would have been sought to
11 be influenced and I ask the Court to declare a mistrial.

12 THE COURT: All right. Overrule the motion.

13 MR. SCHIFFER: Your Honor, in the interest of
14 saving time, would your Honor at this point inquire about
15 whether anybody spoke with them, would your Honor on behalf
16 of Mr. Parks include this question at that point?

17 THE COURT: All right.

18 MR. SCHIFFER: Did anyone speak with you about
19 your service on the jury before you were served with notice
20 for jury duty?

21 THE COURT: All right. I will include that.

22 MR. SILETS: Your Honor, may the Court consider
23 my objection as a standing objection if the Court should
24 repeat those questions?

25 THE COURT: Yes, sir; yes, sir. Mr. Schiffer,
would you mind restating that question?

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DC 1

1 MR. SCHIFFER: Did anyone speak with you about
2 your service on the jury before you were served with notice
3 for jury duty? May we have that same inquiry directed to
4 those have already been questioned?

5 THE COURT: All right.

6 MR. SCHIFFER: Thank you.

7 THE COURT: All right.

8 MR. NEAL: Your Honor, just a moment. I'm not
9 sure that all the jurors heard the question I believe that
10 was asked to all of them at once whether they had seen the
11 television program on which the Defendant Hoffa appeared.
12 I know it was asked, it was asked rather quickly. If the
13 Court gets an opportunity at some point I would like that to
14 be asked again. One woman held up her hand. No one else did.
15 I'm not sure that it was heard succinctly.

16 MR. SCHIFFER: I don't believe the question was
17 directed to the Defendant Hoffa.

18 THE COURT: No, the question wasn't directed to
19 any particular defendant.

20 MR. NEAL: I'm not objecting to the phrasing of
21 the question.

22 THE COURT: All right, I don't believe it would
23 be proper to ask the question. I believe they understood it.
24 Everyone was asked. All right, may we have the panel returned,
25 please?

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1 (Thereupon, the panel of twelve was brought into
2 the courtroom.)

3 THE COURT: Just have a seat, please.

4 VALLIE COLVIN JONES,

5 a venireman, having first been duly sworn, was examined and
6 answered as follows:

7 EXAMINATION BY THE COURT:

8 Q Mr. Jones, you live here in Chattanooga,
9 Tennessee?

10 A Yes, sir.

11 Q What family do you have, Mr. Jones?

12 A I have one daughter, sir. Married.

13 Q I notice that you list your occupation as fore-
14 man with the Tennessee Products and Chemical Corporation?

15 A Well, that was, yes, sir, until last week. As
16 I stated, my company, that portion of it, has sold out to
17 the Woodard Arms Company of Birmingham, and it does make it
18 difficult in this way, that they are short and for the oven
19 work which is hot work, that I look after, there are not too
20 many of them have been trained for that kind of work.

21 Q Is there any threat to your employment by serving
22 on the jury? Would it be any detriment to you in your
23 employment?

24 A Well, sir, I wouldn't know. I have only worked
25 a few days for this new company, and I don't know what their

v 1 - 3

1 policies are or nothing like that.

2 Q Have you attempted to communicate with them about
3 what their policy is in that respect?

4 A No, sir. I went by Monday afternoon and they
5 asked me if I would change schedule in the ovens.

6 Q Do they have anyone else that is capable of
7 performing the duties which you perform?

8 A Well, yes, sir, there is one fellow, assistant
9 superintendent right at the present time is helping look after
10 it.

11 Q All right. How long have you been or were you
12 employed with the Tennessee Products?

13 A I've been employed with Tennessee Products since
14 the 14th day of August, 1927, sir.

15 Q But before you were with Tennessee Products,
16 what did you do?

17 A Went to school, sir.

18 Q And since you have been with them, what type of
19 work have you done at various times?

20 A Well, I was operator to start with in the plant
21 which is by-products work, looking after the flow of gas.
22 And then in 1940, the latter part, I was made shift foreman.
23 Then in 1941, I was made chief oven foreman and chief heater
24 with the company, which I have held ever since.

25 Q Is your place of employment here in Chattanooga

1 - 4

1 at their installation?

2 A Yes, sir.

3 Q Down on Central?

4 A Out in Alton Park, 4800 Central Avenue.

5 Q Your wife, does she stay at home as a housewife
6 or is she employed?

7 A No, sir, she is a housewife, sir. Right at the
8 present time she is under the care of a doctor.

9 Q Well, is your jury service, in your opinion,
10 going to be detrimental to her health?

11 A I don't think so, sir.

12 Q Mr. Jones, have you ever been employed by or in
13 any way connected with the United States Government?

14 A No, sir.

15 Q Have you ever received any benefits from or any
16 detriment from the United States Government that would in any
17 way influence you in the trial of this lawsuit?

18 A No, sir.

19 Q Do you have any sympathy for or any prejudice
20 against the prosecution of this case or anyone connected with
21 the prosecution?

22 A No, sir.

23 Q Do you have any sympathy for or any prejudice
24 against the defense of this lawsuit or any defendant in the
25 case or anyone connected with the defense of the lawsuit?

- 5

1 A No, sir, I do not.

2 Q Do you have any litigation that is presently
3 pending or have you had any litigation in which you were a
4 party or a witness?

5 A No, sir.

6 Q Have you had any previous jury service?

7 A Yes, sir.

8 Q When and where?

9 A Hamilton County in 1962 was my last, sir. In
10 September, I believe it was.

11 Q Is that the only previous jury service?

12 A No, sir, once before, I don't remember, sir,
13 what year it was.

14 Q Have you served in the trial of civil lawsuits?

15 A Yes, sir, civil.

16 Q Have you served in the trial of any criminal law-
17 suits?

18 A No, sir, I don't believe so. I believe it was all
19 civil cases.

20 Q Are you a member of any labor organizations?

21 A No, sir, not at the present time. I have belonged
22 to the local at one time, sir.

23 Q What organization did you belong to?

24 A International Stationary Engineers.

25 Q Have you or has any member of your family ever

1. - 6 1 belonged to the Teamsters Union?

2 A No, sir, I don't believe so, sir.

3 Q Do you have any sympathy for or any prejudice
4 against the unions in general that would in any way influence
5 your serving as a juror in this case?

6 A No, sir, I do not.

7 Q More specifically, do you have any sympathy for
8 or any prejudice against the Teamsters Union that would in
9 any way influence your serving in this case?

10 A No, sir.

11 Q Do you have any feeling toward a member of
12 another race from yourself that would in any way influence
13 your verdict in this case?

14 A No, sir.

15 Q Could you render a fair and impartial verdict
16 to any person that is a party to this lawsuit irrespective
17 of race?

18 A Yes, sir.

19 Q Do you feel that everyone is entitled to be
20 treated equally before the law?

21 A I do.

22 Q Mr. Jones, have you read any publicity or heard
23 any news accounts on this trial?

24 A Very little. Only the headlines or something
25 like that. Maybe see it flashed on the television, not that

1 I paid any attention to it, sir.

2 Q What publication have you seen such publicity in
3 that you recall?

4 A In the News-Free Press is about the only thing
5 that I have seen.

6 Q From what you have seen or from what you may
7 have heard from any such source, has it caused you to form
8 any opinion about the guilt or the innocence of any party in
9 this case?

10 A No, sir.

11 Q As you sit there now, do you have any precon-
12 ceived notions about the guilt or the innocence of any party
13 to this lawsuit?

14 A No, sir, I don't think so, sir.

15 Q Is there any question in your mind about that?

16 A No, sir.

TK 12 End
TK 13 fls

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1 Q Did you in any way request or seek to be selected
2 upon the jury in this case?

3 A No, sir.

4 Q Has anyone talked with you or in any way communicated
5 with you about this case or about your serving as a juror in
6 this case in a manner that would seek to influence you in any
7 way in serving upon the jury?

8 A No, sir.

9 Q Did or has anyone or did anyone speak to you
10 about the jury service or possible jury service before you
11 were summoned for jury duty?

12 A No, sir.

13 THE COURT: May I inquire of the five jurors on
14 the front row previously asked questions, did anyone speak
15 to any of you about the jury service or possible jury service
16 before you were summoned or before you received a subpoena
17 to report for jury service in this case?

18 (The members of the venire referred to above
19 responded in the negative.)

20 BY THE COURT:

21 Q Returning, Mr. Jones, to you. Are you subject to
22 any pressures or any influences from any source that might
23 prevent you from rendering a fair and impartial verdict based
24 upon the evidence and the law as given to you by the Court
25 and your own conscience?

1 A I wouldn't think so, sir.

2 Q Do you have any idea that there are any pressures
3 that would prevent you from doing your duty conscientiously?

4 A No, sir, I don't believe so, I don't believe that
5 there would be any company that would. I am part of manage-
6 ment all right but I don't think that anybody would tell me.

7 Q Do you have any reason to think that anyone might?

8 A No, sir, I wouldn't think so, sir.

9 Q Well, if anyone should would you not perform your
10 duties as you in your own good conscience thought they should
11 be performed?

12 A I would do my best, sir.

13 Q Well, would you perform them according to your own
14 conscience?

15 A Yes, sir, I sure would.

16 Q Without fear and without favor?

17 A Yes, sir, I sure would.

18 Q Do you have any sympathy for or any prejudice
19 against another person who may reside in another state but
20 may be here trying his case in this court?

21 A No, sir.

22 Q Since you have been subpoenaed and have been here
23 or at any time since you have been subpoenaed for jury service,
24 have you received or heard any information that would in any
25 way prevent you from being impartial in this case?

1 A No, sir.

2 Q Would you be willing to judge each witness upon
3 his individual merit, giving no preference merely because
4 he was produced by one side or by the other, likewise not
5 discounting what he said merely because he was produced by
6 one side or by the other side?

7 A I would, sir.

8 Q Would you be willing to judge each witness on his
9 own merit irrespective of whether he was a law enforcement
10 officer or whether he was of some other occupation?

11 A I would, sir.

12 Q What organizations are you a member of, Mr. Jones?

13 A Optimist Club of St. Elmo and the Masonic Lodge.

14 MR. ALEXANDER: I didn't get any of those.

15 THE COURT: Optimist Club of St. Elmo and
16 Masonic Lodge.

17 BY THE COURT:

18 Q Any other organizations?

19 A No, sir.

20 MRS. SAM OLIVER,

21 a venirewoman, having been first duly sworn, was examined and
22 answered as follows:

23 EXAMINATION BY THE COURT:

24 Q Mrs. Oliver, you live at Charleston, Tennessee,
25 is that correct?

1 A Yes, sir.

2 Q And your husband is employed with Bowaters, is
3 that correct?

4 A Yes, sir.

5 Q What is his position with Bowaters Paper Company?

6 A He is the head clothing man, sir. That isn't
7 what it sounds like, the clothing consists of the wires and
8 felts that the paper is produced on and he has a crew of men
9 and they keep the wires and felts on the paper machines.

10 Q How long has he held this position?

11 A Since Bowaters opened in Calhoun; ten years, I
12 believe.

13 Q Before that, what was his occupation?

14 A He was with Maconcraft.

15 Q I didn't understand.

16 A Maconcraft, another paper concern in Macon, Georgia.
17 He has been with paper all of his life.

18 Q Are you yourself employed or have you ever been
19 employed since you were married?

20 A I am employed now.

21 Q All right. Where are you employed?

22 A I'm an agent of the United Family Life Insurance
23 Company out of Atlanta, Georgia.

24 Q Has your experience as an insurance agent caused
25 you to have any sympathy for or any prejudice against anyone

1 else involved in the insurance business?

2 A No, sir, it has been most pleasant.

3 Q What family do you have, Mrs. Oliver?

4 A I have two married sons and a young son 21 that
5 is just out of the Service at home and he is working at
6 Bowaters now. They are very capable of taking care of them-
7 selves.

8 Q Is any member of your family connected with the
9 United States Government in any capacity?

10 A No, sir.

11 Q Has any member of your family been connected with
12 the United States Government?

13 A Never. My husband was in the service and my
14 younger son has been in the service.

15 Q Have you or has any member of your family had any
16 relations with the United States Government that would cause
17 you to feel under any sympathy for the prosecution in this
18 case or any prejudice against the prosecution in this case?

19 A None whatsoever.

20 Q As you sit there now, do you feel any sympathy
21 for any defendant in the case or any prejudice against any
22 defendant in the case that would influence you?

23 A No, sir.

24 Q Do you have any litigation pending in any court or
25 have you been a party or a witness to a litigation previously?

- 1 A No, sir.
- 2 Q I believe you have already indicated this is your
- 3 first jury service?
- 4 A Yes, sir.
- 5 Q Is your husband a member of any labor organization?
- 6 A My whole family, sir.
- 7 Q All right.
- 8 A AFL papermakers, ground work and maintenance.
- 9 Q What labor organizations?
- 10 A AFL Papermakers, we support the union, sir.
- 11 Q All right. And has your experience with unions
- 12 caused you to feel any sympathy for or any prejudice against
- 13 a person, any other person who might be in any way connected
- 14 with a labor union?
- 15 A Our relations have always been very good, in fact,
- 16 I hardly know that we are members of it, we get a raise every
- 17 year and I assume that this is where it's from, but there has
- 18 never been a question of a strike, it has been most pleasant.
- 19 Q Have you or has any member of your family ever
- 20 had any connection with the Teamsters Union?
- 21 A No, sir.
- 22 Q Have you or has any member of your family ever
- 23 received any benefit from or suffered any detriment from any
- 24 activity of the Teamsters Union?
- 25 A No, sir.

1 Q The fact that the members of your family are members
2 of a labor organization, would that in any way influence you
3 in the trial of this case involving these defendants upon a
4 specific charge here?

5 A I don't believe it would. As I say, we are
6 members of the AFL and we support the labor organizations,
7 but I know nothing about the Teamsters.

8 Q And would your feelings toward the union in that respect
9 in any way prejudice you against the prosecution in this
10 case or--

11 A (Interposing) Oh, no, sir.

12 Q Or render you sympathetic to the defense in this
13 case?

14 A No, sir, I don't believe.

15 Q Do you have any feeling toward a person of another
16 race that would in any way influence you in the decision of
17 this lawsuit?

18 A No, sir.

19 Q Do you feel that all persons, irrespective of
20 race, are entitled to be treated equally before the law?

21 A Indeed I do.

22 Q Have you read, seen or heard any publicity or any
23 other matter in connection with this lawsuit?

24 A Your Honor, I read quite a bit and I have read
25 about this, really. I don't guess--, I wasn't especially

1 interested in it, it was just in the paper and I read it from
2 cover to cover. I don't remember really what the trial in
3 Nashville was about. I just remember reading about it and
4 it's something that just left my mind and I can't remember
5 reading anything that was for or against it, for that matter,
6 so I do not believe it would influence me but I do read a lot
7 and I watch all of the news broadcasts.

8 Q What publications do you read or do you think you
9 may have read?

10 A The Chattanooga Times and Free Press and Cleveland
11 Banner every day and the Daily Post Athenian when I get ahold
12 of it, it's not delivered daily in our town and the Knoxville
13 paper when I can get it. Every minute I have I read.

14 Q Well, from what you read or from what you may have
15 heard, do you feel like that you have any opinion about this
16 lawsuit before starting on the trial of the case?

17 A I don't, I would say, it wasn't one of the things
18 that I was really interested in and I just read about it. I
19 do not remember one thing for or against this case, I just
20 knew that there was a trial and--

21 Q (Interposing) Do you think that if you were
22 selected that you could start in your deliberations or start
23 into the trial of the case here with your mind free of anything
24 that you might have read?

25 A Yes, I do.

v 13-9 . Oliver

1 Q And try it solely on the evidence in the court-
2 room and the instructions of the Court?

3 A Yes, sir, I do.

4 Q All right. Did you in any way request or seek to
5 be selected to serve upon this jury?

6 A No, sir, it was quite a shock when I got that
7 letter.

8 Q Has anyone talked with you in any way or in any
9 way communicated with you about this case or about your
10 serving as a juror in this case in a manner that would seek
11 to influence you in any way in serving upon the jury?

12 A No, sir.

13 Q Did anyone speak to you about jury service before
14 you were subpoenaed or before you received the subpoena to
15 report here for jury service?

16 A No, sir.

17 Q Are you subject or is any member of your family
18 subject to any pressures or any influence from any source
19 that might prevent you from rendering a fair and impartial
20 verdict based on your own conscience in the performance of
21 your duties as a juror?

22 A No, sir.

End
Tk 13

Tk 14
follows

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1 Q Would you have any prejudice against any party
2 or his attorney if it should appear that they were residents
3 of another state than that in which you reside?

4 A No, sir.

5 Q Since you have been here under subpoena for jury
6 service have you heard or read or received any information
7 that would in any way prevent your being impartial in this
8 case?

9 A No, sir.

10 Q Would you be willing to judge each witness upon
11 his individual merit giving no preference by reason of the
12 fact that he might be employed by the government on the one
13 hand or the defense on the other hand? Would you judge each
14 witness on his own individual merit?

15 A Yes, sir.

16 Q And would you judge him on his individual merit
17 irrespective of whether he was a law enforcement officer or
18 whether he was in some other occupation or calling?

19 A Yes, sir.

20 Q What organizations are you a member of?

21 A Right now not any. I have been a Lioness and
22 president of our garden club for a while but the insurance
23 business and housekeeping takes up all of my time.

24 Q To what organizations is your husband a member
25 of, do you know?

1 A Not any.

2 LAKE S. LINER,

3 a venireman, being first duly sworn, was examined and
4 answered as follows:

5 EXAMINATION BY THE COURT:

6 Q Mr. Liner, I notice you are from Old Fort. That
7 is over in Polk County?

8 A Polk County, yes, sir.

9 Q Do you know, is it down south of Benton?

10 A That's right.

11 Q How far is it below Benton?

12 A Eleven miles below Benton.

13 Q Mr. Liner, if you will, speak out a little more
14 loudly so everyone in the courtroom can hear you. You were
15 born and raised there in McMinn County, is that right?

16 A I was born and raised in McMinn County until
17 1926 and moved to Polk County. I have been there ever since.

18 Q And you follow farming as an occupation?

19 A That's right.

20 Q How long have you been in the farming field?

21 A Well, you might say all my life. I don't know
22 nothing else.

23 Q Do you work for someone else?

24 A No, I work for myself.

25 Q What kind of farming do you do?

- 1 A Raise cattle and hay.
- 2 Q And what size farm do you have?
- 3 A I've got two farms. One hundred eighty-five acres
- 4 in both of them.
- 5 Q What kind of cattle do you raise?
- 6 A Black cattle. Black polled.
- 7 Q Do you have anyone else employed on the farm with
- 8 you?
- 9 A No, sir.
- 10 Q What family do you have, Mr. Liner?
- 11 A I have two daughters and a son.
- 12 Q Are they adults?
- 13 A That's right. Just me and my wife left at home
- 14 now.
- 15 Q Mr. Liner, have you ever been in any way con-
- 16 nected with or employed by the United States Government?
- 17 A No, sir.
- 18 Q Any member of your family that has?
- 19 A Well, my son was in the service and he is out now
- 20 and he worked some for the government on government jobs in
- 21 Florida putting up this acoustical ceiling. He worked some
- 22 on government jobs. But he was employed by different com-
- 23 panies.
- 24 Q Have you ever had any dealings with the United
- 25 States Government which would in any way influence your

1 feelings toward the prosecution of this case either to favor
2 the prosecution or to feel any prejudice against the prosecu-
3 tion in the case?

4 A None whatever.

5 Q Have you had any litigation yourself in which
6 you were a party or witness? Any lawsuits in which you were
7 a party or witness?

8 A No, no.

9 Q Or any immediate member of your family?

10 A No, sir.

11 Q Have you had previous jury service?

12 A I served last Novemeber down in the county.

13 Q That was at Benton?

14 A Benton. In November.

15 Q Did you try both civil and criminal cases?

16 A No. That was a damage suit and a few drunken
17 driving cases come up is all.

18 Q Was there anything about that jury service that
19 would in any way prejudice you against a party to this law-
20 suit or make you sympathetic for a party to this lawsuit?

21 A No, sir. No.

22 Q Anything about that experience that would in any
23 way render you other than impartial in the trial of this case?

24 A No.

25 Q Are you now or have you ever been a member of any

1 labor organizations?

2 A No, sir.

3 Q Do you have any feelings toward or are you
4 sympathetic or prejudiced toward labor organizations in
5 general that would cause you to be other than impartial in
6 the trial of this case?

7 A None whatever.

8 Q Do you have any feelings toward either of sympathy
9 for or prejudice against the Teamsters Union?

10 A No, sir.

11 Q Have you ever received any benefit from or
12 suffered any detriment from any activity by the Teamsters
13 Union?

14 A No, sir.

15 Q Do you have any feeling either of sympathy or
16 prejudice for a person of another race that would enter into
17 your deliberations in the trial of this case?

18 A No, sir.

19 Q To what extent, if any, have you read about this
20 lawsuit or heard about it?

21 A Well, I don't read the paper. I don't have time.
22 I work from early until late and I come in late and I eat my
23 supper and go to bed. I don't even watch television. I
24 don't care anything about it. I don't have time to watch it.
25 I might have time if I would take time.

1 Q Now, have you heard anything about this lawsuit
2 specifically?

3 A Very little. Just, you know, just heard it when
4 I got the summons to come down here, I want in, you know, if
5 you saying this case was coming up, if, you know, saying this
6 case was coming up. And that is all.

7 Q Did anyone talk to you about the case or mention
8 any fact about the case or purport to know any facts about
9 the case?

10 A They was just like I was, they didn't know any-
11 thing about it.

12 Q Anything that you may have heard that in any way
13 caused you to form any opinion about the case or about the
14 guilt or innocence of any party involved in the case?

15 A No, sir, I haven't.

16 Q Did you in any way request or seek to be selected
17 to serve on this jury?

18 A No, I wondered how they got my name down there.

19 Q Has anyone talked with you or in any way, indicated
20 with you about this case or about your serving as a juror in
21 this case in a manner that would seek to influence you in
22 any way in serving upon the jury?

23 A No, sir.

24 Q Either for or against any party in the lawsuit?

25 A No, sir.

1 Q Has anyone spoken to you about the jury service
2 before you were summoned or before you received your subpoena
3 in this case?

4 A No, sir.

5 Q Are you subject to any pressures or to any
6 influences from any source that might prevent you from
7 rendering a fair and impartial verdict based upon the evi-
8 dence and the law?

9 A No, sir.

10 Q I beg your pardon?

11 A No, sir.

12 Q Do you have any sympathy for or any prejudice
13 against any party who might be a resident of another state
14 than this?

15 A No, I haven't got anything against them.

16 Q Since you have been here under subpoena have you
17 received any information or had any experience that would in
18 any way prevent you from being impartial in this case if you
19 were selected to try the case?

20 A No, I haven't.

21 Q Would you be willing to judge each witness upon
22 his individual merit irrespective of which side may have
23 produced him and put him on the witness stand?

24 A Yes, sir, yes, sirree.

25 Q Would you be willing to judge each witness on his

1 individual merit irrespective of his occupation whether he
2 was a law enforcement employee or other organization?

3 A Yes, sir.

4 Q What organization are you a member of?

5 A None whatever.

6 MRS. DYER BUTTERFIELD,

7 a veniwoman, having been first duly sworn, was examined
8 and answered as follows:

9 EXAMINATION BY THE COURT:

10 Q Mrs. Butterfield, you are a housewife?

11 A Yes, sir.

12 Q You live on Lookout Mountain. Is that correct?

13 A Yes, sir.

14 Q How long have you lived in Chattanooga?

15 A Eighteen years.

End Tk 14 16
Tk 14A fls.

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• Butterfield

1 Q Your husband, what is his occupation?

2 A He is employed by the First Federal Loan and
3 Savings Association.

4 Q How long has he held that position?

5 A About seven weeks.

6 Q And just what is his position with the First
7 Federal?

8 A He is assistant--

9 MR. ALEXANDER: May it please the Court, we can't
10 hear her.

11 THE COURT: All right, Mrs. Butterfield, if you
12 will, speak up please. What is his position with the First
13 Federal?

14 MRS. BUTTERFIELD: He is assistant to the
15 president.

16 BY THE COURT:

17 Q What did he do before he held that position?

18 A He was president of Southern Coach Lines.

19 Q As I understand it, you are a housewife?

20 A Yes, sir.

21 Q Since you've been married have you followed any
22 employment occupation other than housewife?

23 A No, sir.

24 Q Where were you educated?

25 A In Green Bay, Wisconsin and at Purdue University

1 in Lafayette, Indiana.

2 MR. ALEXANDER: May it please the Court, we can't
3 hear a word she said.

4 THE COURT: All right, wait a moment.

5 MR. ALEXANDER: I think she is competing with
6 the air raid alarm.

7 BY THE COURT:

8 Q Would you just repeat where you received your
9 education?

10 A In Green Bay, Wisconsin and Lafayette, Indiana.

11 Q Have you or has any member of your family been
12 connected in any way with the United States Government?

13 A Not my immediate family, no.

14 Q What relatives do you have that may have been
15 so connected?

16 A My husband's cousin's wife is employed by the
17 U. S. Government.

18 Q In what capacity and where?

19 A Right here.

20 MR. BERKE: I can't hear a word she is saying,
21 Your Honor. Sorry.

22 BY THE COURT:

23 Q Speak up, Mrs. Butterfield. Would you repeat
24 that?

25 A She is employed in the bankruptcy court.

1 Q Who is that?

2 A It is my husband's cousin's wife.

3 Q Husband's cousin's wife, and who is she?

4 A Mrs. George Gardenheir.

5 Q Mrs. Gardenheir?

6 A Yes.

7 Q Is there anything in that connection that would
8 in any way influence you in serving as a juror here?

9 A No, sir.

10 Q Have you or has any immediate member of your
11 family had any connection with the government that would
12 cause you to feel either any sympathy for or any prejudice
13 against the prosecution in this case?

14 A No, sir.

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Tk 14a

Tk 15
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TK 15
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1 Q What is the source of connection, if any, between
2 yourself and Mrs. Gardenhire, how closely associated are you?

3 A Well, we are quite friendly.

4 Q Does she visit in your home?

5 A Yes.

6 Q Have you visited in her home?

7 A Yes.

8 Q Is that relationship with her such as to create
9 any problem in your mind about serving on this jury?

10 A No, sir.

11 Q In performing your services conscientiously,
12 fairly and impartially. Do you have pending or does any
13 member of your family have pending any litigation?

14 A No, sir.

15 Q Have you been a party to any litigation?

16 A No, sir.

17 Q Or a witness in any litigation?

18 A No, sir.

19 Q Has your husband, to your knowledge?

20 A No, sir.

21 Q Have you had any prior jury service?

22 A No, sir.

23 Q Have either you or your husband or any immediate
24 member of your family had any conversation with or membership
25 in any labor organization?

- 2

1 A We haven't been members but my husband has
2 negotiated labor contracts.

3 Q I see. With whom?

4 A With the bus drivers.

5 Q Bus drivers. Is that the Teamsters Union?

6 A I don't believe so.

7 Q Do you know what union that is?

8 A .No, sir, I don't.

9 Q Well, is there anything in that experience of
10 your husband that has caused you to form any opinion about
11 unions that would in any way influence your decision in this
12 lawsuit?

13 A I don't believe so.

14 Q Do you have any sympathy for or prejudice against
15 the Teamsters Union that would in any way influence your
16 serving upon this jury?

17 A No, sir.

18 Q Do you have any sympathy for or any prejudice
19 against a person of another race than yourself that would in
20 any way influence your serving on this jury?

21 A No, sir.

22 Q Do you feel that all people, irrespective of race,
23 are entitled to be treated equally before the law?

24 A I certainly do.

25 Q To what extent have you read or heard about this

- 3

1 lawsuit and from what sources?

2 A Well, I have read the headlines in the Chatta-
3 nooga Times and the Free Press and just snatches on television.

4 Q From what you have read or from what you have
5 heard, have you formed any opinion about the lawsuit or about
6 the guilt or innocence of any party to the lawsuit?

7 A No, sir, I have not.

8 Q Did you in any way request or seek selection upon
9 this jury?

10 A I did not.

11 Q Has anyone talked with you in any manner or in
12 any way communicated with you about this case or about your
13 serving as a juror in this case in a manner to seek to
14 influence you in any way in serving upon the jury?

15 A No, sir.

16 Q Did anyone speak to you about jury service or
17 possible jury service before you were summoned or subpoenaed
18 for jury service?

19 A No, sir.

20 Q Are you or is your husband, to your knowledge,
21 subject to any pressures or influences from any source that
22 might prevent you from rendering a fair and impartial verdict
23 based upon the evidence and the law?

24 A No, sir.

25 Q Do you feel any sympathy for or any prejudice

- 4

1 against a party who may be a resident of another state and
2 may be participating in this trial?

3 A No, sir.

4 Q Since you have been here under subpoena, have
5 you had any experience or received any information from any
6 source that would in any way cause you to be other than im-
7 partial in your performing your jury service?

8 A I haven't.

9 Q Would you be willing to judge each witness upon
10 his individual merit, giving no preference merely by virtue
11 of the fact that he or she might be produced by one side or
12 the other side?

13 A I would.

14 Q Judge the witness solely on the witness' own
15 merit?

16 A I would.

17 Q Would you do that irrespective of the witness'
18 occupation, whether he was a law enforcement officer or
19 whether he was of some other occupation?

20 A Yes.

21 Q What organizations are you a member of?

22 A The Episcopal Church and the Junior League of
23 Chattanooga.

24 Q And what organizations, to your knowledge, is your
25 husband a member of?

- 5

1 A He's a Rotarian.

2 MR. ALEXANDER: I didn't hear that answer.

3 THE COURT: Said he was a Rotarian.

4 RALPH C. HUTSON,

5 a venireman, having been first duly sworn, was examined and
6 answered as follows:

7 EXAMINATION BY THE COURT:

8 Q Mr. Hutson?

9 A Yes.

10 Q Where is Homer Road?

11 A That is about a mile out of East Chattanooga,
12 north.

13 Q How long have you lived there?

14 A Ten year.

15 Q Speak up, please, Mr. Hutson, so that everyone
16 can hear you. Before you lived there, where did you live?

17 A I lived on Dodson Avenue.

18 Q How long have you been a resident of this county?

19 A All of my life.

20 Q How long have you followed the occupation of a
21 barber?

22 A Two years.

23 Q Before that, what was your occupation?

24 A I worked for the Western Union Telegraph Company
25 and part time I followed the road as an electrician.

1 Q As an electrician?

2 A Yes, sir.

3 Q How long were you with Western Union?

4 A Well, I am still employed with them. Of course,

5 they have had a layoff, but I went with Western Union in 1955,

6 I think it was.

7 Q You say you have followed the occupation of a

8 barber for the past two years?

9 A Yes, sir.

10 Q Where have you performed your services as a

11 barber during that period of time?

12 A Well, in Knoxville and on Signal Mountain.

13 Q Where did you perform the services in Knoxville?

14 A Well, I had to go to barber college.

15 Q I see. Went to barber college there?

16 A (Moves head up and down.)

17 Q And when was that?

18 A That was last year, I don't remember just what

19 month.

20 Q How long have you been barbering on Signal Moun-

21 tain?

22 A For the past six months.

23 Q Do I understand that Mr. York owns the shop that

24 you work at?

25 A Yes, sir, he owns the shop.

15 - 6

Enc. TK 15
TK 15A fls
TK 15A -
DC

15A - 7

1 Q And you in turn work for him?

2 A That is true.

3 Q Mr. Hutson, have you ever been employed by or
4 had any connection with the United States Government?

5 A Nothing other than the Navy.

6 Q When were you in the Navy?

7 A I was in from the early part of '45 until the
8 later part of '46.

9 Q Anything about your experience in the Navy that
10 would cause you to feel any sympathy for or any prejudice
11 against another party that might be a party to this lawsuit?

12 A No, sir.

13 Q Have you in any dealings with the United States
14 Government had any experience that would cause you to feel
15 any sympathy for the prosecution in this case or any pre-
16 judice against the prosecution in this case?

17 A No.

18 Q Have you ever been involved in any litigation
19 yourself, either as a party or as a witness in any lawsuit of
20 any kind?

21 A No, sir.

22 Q Have you ever had any previous jury service?

23 A Yes, I served on Hamilton County up here about
24 1960, I believe is when it was.

25 Q And was there anything -- did you serve more than

15A - 8

1 one time?

2 A No, sir.

3 Q Or more than one term of court?

4 A No, sir.

5 Q Was there anything about that jury service that
6 would cause you to feel any sympathy for or any prejudice
7 against either side in this lawsuit or any parties to this
8 lawsuit?

9 A No.

10 Q Have you been or are you presently a member of
11 any labor organization?

12 A Yes, sir.

13 Q What has been your affiliations in that regard?

14 A Well, I belong to the Barber Local 415, I believe,
15 belong to the Electrician's Local 846, and I also belong to
16 the Commercial Telegraph Local 305.

17 Q All of those here in Chattanooga?

18 A True.

19 Q Are you currently a member in all three organiza-
20 tions?

21 A Yes, sir.

22 Q Have you ever had any connection with or member-
23 ship in the Teamsters Union?

24 A Myself?

25 Q Yes.

1 - 9

- 1 A No.
- 2 Q Has any immediate member of your family?
- 3 A Yes, my father belongs to it now.
- 4 Q Your father belongs to it now?
- 5 A Yes, sir.
- 6 Q And what is your father's name?
- 7 A John Robert Hutson.
- 8 Q What local is he in?
- 9 A 515.
- 10 Q Is that here in Chattanooga?
- 11 A Yes.
- 12 Q Is there anything about your connection with
- 13 labor organizations that would in any way influence you in
- 14 the performance of your duties here as a juror?
- 15 A No.
- 16 Q Do you have any sympathy for or any prejudice
- 17 against labor unions in general that would influence you in
- 18 your duties on the jury?
- 19 A No.
- 20 Q Have you received any benefit from or any pre-
- 21 judice from either or any prejudice as a result of any
- 22 activity of the Teamsters Union?
- 23 A No, sir.
- 24 Q The fact that your father is a member of the
- 25 Teamsters Union, would that in any way influence you in the

15. - 10 1 performance of your duties on this jury?

2 A No, sir.

3 Q The fact that one or more of the defendants may
4 have some connection with the Teamsters Union and together
5 with the fact that your father is a member of the Teamsters
6 Union, is that a matter that would cause you to form any
7 opinion about this case other than on the evidence that you
8 heard in the courtroom and the instructions of the Court?

9 A No.

10 Q Have you talked with your father about the trial
11 of this case?

12 A No, sir.

13 Q Has he talked with you in any way about the case?

14 A No, sir.

15 Q Do you know whether or not he is aware of the
16 fact that you are selected as a member of the panel?

17 A Yes, he knows that because when the letter come
18 my mother had to sign for it, there was nobody there.

19 Q I see. Do you live at home with your parents?

20 A No, they live next door.

21 Q I see.

22 A In the house next door, so the mailman left it
23 with them to get someone to sign the paper.

24 Q For whom does your father work?

25 A He works for the county.

15A - 11

1 Q For the county?

2 A Um-mmm.

3 Q Mr. Hutson, do you have any feeling toward persons
4 of another race that would in any way influence you in serving
5 as a juror on this case?

6 A (Witness moves head from side to side.)

7 Q Do you feel that all people regardless of race
8 are entitled to equal treatment before the law and in the
9 courts of justice?

10 A True, yes, sir.

11 Q Have you read any publicity or heard any
12 publicity or news accounts on this case and if so, to what
13 extent and from what source?

14 A Well, not lately. I heard some when it was in
15 Nashville, I read a few articles and saw a few pictures on
16 television, true.

TK 15A End
TK 16 fls

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1 Q Do you recall any specific information that you
2 got out of those stories that you may have read or heard
3 that related to this lawsuit?

4 A No, sir.

5 Q As a result of that information or as a result of
6 reading those stories did you form any opinion about the
7 guilt or innocence of any defendant in this lawsuit?

8 A Definitely not.

9 Q Has there been anything in your previous experience
10 or previous information that you may have received, publicity
11 or otherwise, that would in any way prevent you from deciding
12 this case conscientiously and solely on the basis of the
13 evidence that you hear in open court and in accordance with
14 the instructions of the Court?

15 A No, sir.

16 Q Did you in any way request or seek selection
17 upon this jury?

18 A No, sir.

19 Q Has anyone talked with you or in any way
20 communicated with you about this case or about your serving
21 as a juror in this case in a manner that would seek to
22 influence you or in any way seek to influence you in any way
23 in serving upon this jury?

24 A No.

25 Q Did anyone speak to you about jury service before

1 you received your subpoena to report?

2 A No, sir.

3 Q To report in this case?

4 A No, sir.

5 Q Are you subject to any pressures or influences
6 from any source that might prevent you from rendering a fair
7 and impartial verdict based upon the evidence and the law?

8 A Not as I know of.

9 Q Do you have any prejudice against another person
10 that might be a resident of another state by virtue of that
11 fact?

12 A No, sir.

13 Q Since you have been here under subpoena have you
14 had any experience or have you received any information from
15 any source that would influence you in deciding this case or
16 cause you to be other than impartial?

17 A No, sir.

18 Q Would you be willing to judge each witness upon
19 his individual merit irrespective of which side produced
20 the witness?

21 A Yes, sir.

22 Q Would you be willing to do that irrespective of
23 what the occupation of the witness might be, whether it was
24 law enforcement officer or otherwise?

25 A Yes, sir.

1 ERNEST CLIFTON PIERCE,

2 a venireman, having first been duly sworn, was examined and
3 answered as follows:

4 EXAMINATION BY THE COURT:

5 Q Mr. Pierce, I see you live at Cleveland, Tennessee
6 how long have you lived there.

7 A I have lived there since 1936.

8 Q And where did you live before that?

9 A At Charleston, Tennessee in the same county.

10 Q Have you always lived in that county?

11 A Yes, sir.

12 Q What family do you have, Mr. Pierce?

13 A I have three grown sons. One married and twin
14 sons who are 21 and who are students at the University of
15 the South at Sewanee. Of course, my wife and I are at home.

16 Q Do you own your home there or do you rent?

17 A I rent.

18 Q I notice you list your occupation as a police
19 official, what is your job and who is it with?

20 A It is with the City of Cleveland and right now
21 I'm a patrolman. I have a promotion for the first of the
22 month if I'm there. But--

23 Q How long have you been on the police force there?

24 A I have worked with them two different times.

25 This last employment I've been there five years, about five

1 years.

2 Q Five years?

3 A Yes, sir.

4 Q What other calling or occupation have you followed?

5 A Well, I was a policeman before for several years
6 and I was sheriff two years. And I've been back as a police-
7 man and I operated a service station for about 18 months
8 between those times.

9 Q Are you now a member of any labor organization or
10 have you been a member of any labor organization?

11 A No, sir.

12 Q Have you ever been employed by the United States
13 Government or have any connection with the United States
14 Government?

15 A No, sir.

16 Q Any immediate member of your family that has?

17 A I had a son in the Aviation Cadets.

18 Q Have you ever had any experience with the United
19 States Government that would in any way cause you to be
20 either favorable or sympathetic to the prosecution in this
21 case on the one hand or feel prejudiced toward the prosecution
22 on the other hand?

23 A No, sir.

24 Q Do you have any litigation pending any place
25 yourself or have you ever been a party or witness in litigation?

1 A I've been witnesses quite a few times as a law
2 enforcement officer.

3 Q I see. Have you had any litigation yourself?

4 A Not except one little minor automobile accident.
5 I had to sue a fellow for damages.

6 Q Who was your attorney in that case?

7 A Winston Prince at Cleveland, I believe.

8 Q Have you had any previous jury service?

9 A No, sir.

10 Q Do you have any feeling of either sympathy for
11 or prejudice against labor organizations in general?

12 A No, sir.

13 Q Do you have any sympathy for or prejudice against
14 the Teamsters Union in particular?

15 A No, sir.

16 Q Is there any experience that you have had with
17 any labor organization or any experience you've had as a
18 result of any labor organization activity that would cause
19 you to be either sympathetic toward a member of such an
20 organization or prejudiced against a member or an officer
21 in such organization?

22 A No, sir.

23 Q Do you have any feeling of sympathy for or any
24 prejudice against any party to this lawsuit?

25 A No, sir.

1 Q To what extent have you read any publicity about
2 the case or heard any publicity about the case, Mr. Pierce?

3 A Very little. The only reading I've done I looked
4 over the list of jurors in this case in yesterday's paper
5 I believe.

6 Q From what you have read have you formed any
7 opinion about the guilt or innocence of any party to this
8 litigation?

9 A No, sir.

10 Q Did you see any television program last week end
11 which any party to this lawsuit was a participant?

12 A No, sir.

13 THE COURT: Mr. Hutson, I failed to ask you that
14 question, did you see any television program last week in
15 which any party to this litigation was a participant?

16 MR. HUTSON: No, I didn't see it.

17 THE COURT: I'm not sure whether I asked Mr.
18 Liner.

19 MR. LINER: You didn't ask me.

20 THE COURT: Mr. Liner?

21 MR. LINER: I didn't see it. I come in on the
22 winding up of that. I taken a load of corn off and I seen
23 it as it was fixing to go off. I don't know anything about
24 it.

25 THE COURT: From what you saw or observed there

1 did it cause you to form any opinion about this lawsuit
2 whatsoever?

3 MR. LINER: No, sir.

4 THE COURT: Or any party to it?

5 MR. LINER: No, I didn't know anything about it.

6 THE COURT: Mr. Pierce, did you in any way
7 request or seek to be selected upon this jury?

8 MR. PIERCE: No, sir.

9 THE COURT: Did anyone speak to you about jury
10 service or possible jury service before you received a
11 subpoena to report in the case?

12 MR. PIERCE: No, sir.

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• Hutson

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1 THE COURT: Has anyone talked with you in any
2 way or in any way communicated with you about this case or
3 about your serving as a juror in this case?

4 MR. PIERCE: No, sir.

5 THE COURT: In a manner that would seek to
6 influence you in any way in serving upon the jury?

7 MR. PIERCE: No, sir.

8 THE COURT: Are you subject to any pressures or
9 any influences from any source that might possibly in your
10 opinion influence you so that you could not exercise fair,
11 conscientious judgment in deciding this lawsuit solely on
12 the evidence and the instructions of the Court?

13 MR. PIERCE: No, sir.

14 THE COURT: Do you have any prejudice against
15 any party because he is a resident of another state?

16 MR. PIERCE: No, sir.

17 Q (By the Court) Who might be a party or attorney
18 in this lawsuit?

19 A No, sir.

20 Q Have you received any information since you have
21 been under subpoena or any experience that you've had since
22 you've been here waiting to be called as a possible juror
23 that would cause you to be other than impartial in deciding
24 this lawsuit?

25 A No, sir.

5A - 2

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Q

Would you be willing to judge each witness on

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his individual merit irrespective of which party or which

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side may have produced him?

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Yes, sir.

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Put him on the witness stand?

TK 16A End 6

TK 17 fls

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Yes, sir.

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1 Q Would you be willing to judge each witness on
2 his individual merit, irrespective of whether he was a law
3 enforcement officer, such as yourself, or whether he followed
4 some other occupation?

5 A Yes, sir, I would.

6 Q What organizations or lodges are you a member of?

7 A I am a member of the National Fraternal Order of
8 Police and the Tennessee Law Enforcement Officers Association.

9 THE COURT: All right. Gentlemen, at this time
10 we will adjourn for lunch and we will adjourn this hearing
11 until 2:15 to permit counsel to prepare any further inter-
12 rogatories or questions that they desire to submit to the
13 Court for consideration for submission to the jury, so that
14 we will resume the hearing in the courtroom at 2:15 p.m.
15 Just a moment.

16 Ladies and gentlemen of the jury panel, during
17 the noon recess or at any other time while you may be here
18 as a prospective juror, do not talk about this case among
19 yourselves, don't talk about it to anybody else. If some of
20 you have lunch together don't talk about this lawsuit, talk
21 about something else. Don't let anyone talk to you about
22 the case or talk about the case in your presence, even if
23 it's innocently done call that matter to the Court's atten-
24 tion so that any possible error in that connection could be
25 corrected.

1 Keep yourself in a posture so that if called upon
2 to serve in this case and selected to serve in this case you
3 can perform your duties conscientiously and fairly and im-
4 partially at all times.

5 Let's adjourn court until 2:15.

6 (Thereupon, at 12:20 o'clock p.m. court was
7 adjourned for the noon recess until 2:15 o'clock p.m.)

8 End Tk 17
9 Tk 18 fls.

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AFTERNOON SESSION
2:30 O'clock P. M.
January 22, 1964

(Thereupon, pursuant to adjournment for the noon recess, court was in session.)

THE COURT: All right, gentlemen.

MR. BRANSTETTER: May I address the Court?

THE COURT: All right, yes, sir, Mr. Branstetter.

MR. BRANSTETTER: May it please the Court, the Court adjourned while the jury was still sitting and as a result the matters I would like to take up with the Court at this time were not taken up. I would like to ask if it will meet with the Court's procedures and approval that the Court might permit counsel to raise any matters if they have them in the absence of the jury before the jury returns on occasions if that would be an appropriate procedure.

THE COURT: I'm not sure that I quite understand your suggestion.

MR. BRANSTETTER: For example, I'm asking for a procedural ruling that if counsel might be permitted in the absence of the jury before the Court adjourns on each occasion, to take up any matters at that time that counsel would like to present to the Court in the absence of the jury without specifically making the requests.

THE COURT: I see. I would think that would be appropriate. I see no reason why we should not, Mr. Branstetter.

1 MR. BRANSTETTER: Thank you. Now, may it please
2 the Court, the matter that I had wanted to take up before
3 adjournment was this, on yesterday and previous experience
4 in the couple of days that have passed, we have found it
5 difficult to eat and be back in court in less than an hour
6 and a half.

7 THE COURT: Yes, sir.

8 MR. BRANSTETTER: On yesterday the hour and a
9 half was given. Today the Court stated that we would have an
10 hour and forty-five minutes I believe instead of the hour and
11 a half and I assumed this fifteen minutes additional later
12 extended to fifteen minutes more was the length of time that
13 the Court has prescribed for counsel for all defendants
14 preparing the necessary inquiries to submit to the Court for
15 submission to the jury on voir dire. We think that time is
16 very insufficient under the circumstances of this case and
17 although we state respectfully that the matter of examination
18 of the jury under the rules of procedure are discretionary
19 with the Court, nonetheless we think that the discretion
20 should be exercised in favor of giving counsel time to
21 prepare these questions, more time to prepare these questions
22 to submit to the Court which I understand the Court may in
23 turn submit to the jury or ask the jury or the proposed jurors.

24 THE COURT: All right.

25 MR. SILETS: Your Honor, pursuant to Your Honor's

1 leave granted to the defendants to submit additional proposed
2 questions in the last half hour--, will you hand that up to
3 the Court? I have prepared those twelve or thirteen questions.

4 THE COURT: All right.

5 MR. SILETS: There is one other matter I would
6 like to take up, it is also a matter of procedure, and I
7 think of some concern to the defendants. Because of the
8 length of this trial or proposed length, and because of the
9 complicated nature of the charges and the fact that there
10 are so many defendants, it will be necessary for each of the
11 defendants to have a copy of the transcript. To date we have
12 sought to each buy a copy of the transcript separately. The
13 cost to my client has been at \$.75 a page and to date up
14 through yesterday with 600 pages and we are already at
15 \$450.00. It is a huge cost and we have made arrangements
16 with a local reproducing firm to Zerox the transcript, at a
17 rate of about eight cents a page. That information has been
18 conveyed to the official court reporter who to date has been
19 delivering copies to us about 7:15 or 7:30 in the evening.
20 When this information was passed on that we would request
21 only two copies be furnished rather than seven or eight, I
22 have been informed today that as a result because we are
23 taking less copies we would not get delivery until a quarter
24 to nine in the morning. Now, I know that the reporters are
25 entitled to earn a living and I'm sure that we all are

1 interested in having them make a living, but it is becoming
2 a great burden to each of the defendants at that rate of
3 charge.

4 Now, I would ask the Court if the Court would
5 assist the defendants and perhaps instruct the court reporters
6 to continue and serve the defendants in the same fashion
7 that they had before.

8 THE COURT: Gentlemen, would it be appropriate
9 if we took this up in chambers after we recess this evening
10 and with the attorneys present and with the reporters present?

11 MR. SILETS: Yes, it would, Your Honor.
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End
Tk 18

Tk 19
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1 MR. ALEXANDER: If it please your Honor, we have
2 some suggested questions also.

3 THE COURT: All right.

4 MR. ALEXANDER: Copies of which have been served
5 on all counsel, including counsel for the government.

6 Mr. Hooker, did you get that copy?

7 MR. HOOKER: Yes.

8 THE COURT: All right.

9 MR. BERKE: If it please the Court, we have a
10 list of questions here and, as stated to the Court, we have
11 had insufficient time to draft these in orderly fashion.
12 We have marked the questions which we want to ask. We have
13 had insufficient time to make copies for the government.
14 We don't have a copy left for ourselves. We would like to
15 pass that to the Court.

16 THE COURT: All right.

17 MR. SCHIFFER: I have a motion in another matter
18 if counsel are finished addressing the Court.

19 THE COURT: All right. Mr. Schiffer, the Court
20 will recognize you. Excuse me just a minute.

21 Mr. Berke, the questions marked with "X" are the
22 ones that you desire for the Court to pass on?

23 MR. BERKE: Yes, your Honor.

24 THE COURT: Thank you.

25 MR. BERKE: They are also numbered so you have

1 them both ways.

2 MR. SCHIFFER: If it please your Honor, when I
3 returned to my hotel after adjournment for the noon recess,
4 your Honor, someone evidently left me a newspaper and a clip-
5 ping from another newspaper, each one dated January 17, 1964,
6 this past Friday, and I see here in the Chattanooga Daily
7 Times, commencing on Page 3 a picture entitled "Huguelet
8 tells FBI good-bye; going to a church post;"

9 And then under that we have a picture with the
10 sub-head "Ingram, Darr, Wilson, Mrs. Huguelet and Huguelet."

11 The substance of the article itself which con-
12 tinues on Page 11, probably has been read by everyone that
13 subscribes to the Chattanooga Times and it is significant,
14 I think almost each and every prospective juror thus far
15 inquired of has stated that the Chattanooga Times is a paper
16 here. She does read.

17 The same story is incorporated in the Chattanooga
18 News-Free Press under the same day, of course, and refers to
19 who each of the guests who were present at this particular
20 luncheon were.

21 Your Honor, we do not live in a vacuum. These
22 are the only two newspapers with any kind of circulation and
23 certainly cover this entire district. It could not be as
24 a practical matter, it just could not be that anybody who
25 lives within this district and is eligible for jury service

1 in this court could not help but be completely prejudiced
2 against the Defendant Parks and the others when one sees
3 here a photograph of the presiding Judge of this court with
4 at least two FBI men and the Court knows, the public knows,
5 the government knows, the defendant, everybody knows that
6 the FBI is expected to give a substantial amount of testimony
7 in this case and I feel, your Honor, that in keeping with
8 due process, your Honor will agree with me in exercising
9 your discretion that in view of the content of these two
10 articles and the picture which I referred to that your Honor
11 should grant a continuance of at least 30 days and discharge
12 the present panel inasmuch as practically everyone already
13 called has indicated on the record that these two papers are
14 seen by them practically every day or every evening.

15 THE COURT: All right.

16 MR. SCHIFFER: And I ask then, in view of this
17 publicity, inadvertent as it may be, but many, many things
18 happen to innocent people charged with crime through inad-
19 vertence and since the public has seen and read all of these
20 materials and with particularity those on this page, we ask
21 your Honor for a continuance for at least 30 days to permit
22 all this material entered in the public means of communication
23 to the public generally, to eliminate what can be a very
24 serious cancer in this case, that this panel be discharged
25 and we ask for a continuance of 30 days and may I have your

1 permission, your Honor, to make these two papers in evidence?

2 THE COURT: Yes, sir, they will be marked as
3 Exhibits 7 and 8.

4 (The newspapers referred to above were marked
5 Exhibits Nos. 7 and 8, Defendant Parks, and
received in evidence.)

6 THE COURT: Does that complete your motion?

7 MR. SCHIFFER: That's my first motion.

8 THE COURT: Let the motion be overruled.

9 MR. SCHIFFER: May I address the Court in relation
10 to my second motion?

11 THE COURT: Yes, sir.

12 MR. SCHIFFER: Yesterday and Monday, your Honor,
13 we saw in this courtroom from 100 to 200 of the prospective
14 jurors summoned for Monday and Tuesday. By my count I
15 recognized only four persons in that entire group who were
16 of the Negro race, four out of 200, your Honor.

17 THE COURT: Mr. Schiffer, let's get our informa-
18 tion correct. You were furnished a list yesterday morning,
19 were you not, of the jurors?

20 MR. SCHIFFER: I was furnished a list yesterday,
21 your Honor, but--

22 THE COURT: (Interposing) The panel was to
23 report yesterday. How many were on that list that were to
24 report yesterday?

25 MR. SCHIFFER: I think there were about a hundred

1 on each list, Judge, approximately that.

2 THE COURT: How many were to report on the panel
3 that was to report yesterday, Panel No. 1?

4 MR. SCHIFFER: Wasn't it on a Monday, your Honor?

5 THE COURT: Monday, yes.

6 MR. SCHIFFER: On Monday I thought there were
7 about a hundred people.

8 THE COURT: About a hundred?

9 MR. SCHIFFER: About a hundred.

10 THE COURT: Well, where do you get the figure 200?

11 MR. SCHIFFER: I believe--

12 THE COURT: (Interposing) Let's don't--

13 MR. SCHIFFER: (Interposing) The second group
14 came in under the panel marked by the Clerk January--

15 THE COURT: (Interposing) Mr. Schiffer, there's
16 only one panel.

17 MR. SCHIFFER: Pardon?

18 THE COURT: There has been only one panel to
19 report. Let's don't be misquoting facts that you know.

20 MR. SCHIFFER: I have my list and one list is
21 dated January 20th.

22 THE COURT: Mr. Dale, how many jurors reported
23 on Monday?

24 MR. DALE: There was 75 jurors reported.

25 THE COURT: All right, 75.

1 MR. DALE: In the second panel or the second run
2 that he speaks of has not reported.

3 MR. SCHIFFER: They have not reported, is that
4 what the Clerk said?

5 MR. DALE: They have not reported, yes.

6 MR. SCHIFFER: Of course, I did not recognize
7 the faces, I am not a native of Chattanooga, however, if we
8 look at the census figures, your Honor, we will find that
9 the Negro population of this district is somewhere in the
10 neighborhood of better than 20 per cent of the total and I
11 think that with only four persons impaneled out of 75 it is
12 so disproportionate that I don't have to prove any more to
13 this Court that there is a discrimination against Negroes,
14 and I represent a Negro defendant, Mr. Parks, in this case,
15 so that on its face there is a prima facie proof of the fact
16 that out of 75 names there were four colored persons who
17 showed up in response to a jury summons. I have made out
18 my case there and then.

End Tk 19 19
Tk 20 fls.

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1 MR. SCHIFFER: (Continuing) Now, your Honor says
2 that we, of course, as indicated, we received the jury panel
3 list. Well, I am not clairvoyant. I don't think any other
4 counsel of the defendant can see in the future. We are not
5 seers or seeresses. All we can do is see a list of names and
6 nothing else. There was no indication on that list whether the
7 person is white or colored. There was no indication as to
8 what those persons did for a living in the list, second list
9 that we received.

10 THE COURT: Is it your suggestion that jurors'
11 list, jurors' names in the box should carry their race? What
12 provision in the law is there for providing anything about
13 race and putting names in the box?

14 MR. SCHIFFER: Your Honor, may I point out the
15 initial cancer in this case, that is the whole array, thereby
16 keeping secrets from defense counsel until the morning of the
17 trial, the commencement of the trial, how is defense counsel to
18 know who to check up and see whether they are qualified for
19 jury service?

20 THE COURT: Mr. Schiffer, if you have anything new
21 to offer to the Court, I will be glad to hear you. I don't
22 care to hear these arguments time and time again. If you have
23 anything new, I will be glad to hear you.

24 MR. SCHIFFER: Would your Honor permit me to con-
25 tinue on the number of colored people in the panel?

1 THE COURT: Mr. Schiffer, we have covered that at
2 the time that motions were made on behalf of every defendant
3 and more than once with regard to the panel. And if you have
4 anything new you wish to say, I will be glad to hear it, but
5 we cannot take our time here just repeatedly ruling upon the
6 same motion being made time and time again. You gentlemen are
7 competent counsel and you know that it is not necessary to
8 move repeatedly and argue repeatedly upon the same motion.

9 MR. SCHIFFER: Except for one factor, your Honor,
10 if you would indulge me for a moment, and that is that the
11 defense is severely handicapped every day we come in here and
12 there seems to be an undue rush to force these defendants to
13 an immediate trial. I don't know what the government really
14 wants here.

15 I think what the government wants is not a fair
16 trial guarantee under the Constitution. They want a drumhead
17 court-martial kind of a trial or some similar proceeding. Why
18 is this unseemingly rush, your Honor, where we have multiple
19 defendants?

20 There is so much of the law that applies to this
21 case, what is there about this particular case that moves too
22 fast on everything and we are forced to move ahead. Nobody is
23 forced at all to carry a semblance of due process of the right
24 of the defendants. I speak for the Defendant Parks.

25 I don't want to keep my mouth shut. The Bar

1 Association would consider me reprehensible if I didn't talk
2 up in his behalf, your Honor, you know that.

3 Why is the government pushing this way? Why is it
4 every hour of the day we need an additional hour just to pre-
5 pare additional instructions or questions for the jury? We
6 can't get that. There seems to be something moving this case
7 to hurry in it that there seems to be an influence of the
8 government, something they want to do here which should not
9 exist in this country. This is not Russia. A man has a
10 constitutional right in this country, and I say to your Honor,
11 I say this humbly and most respectfully, but in keeping with
12 my oath as an attorney, there is something going on in this
13 case on the part of the government, your Honor, they want to
14 rush this for some purpose other than law.

15 And I say it as of now these people are being
16 deprived of due process and I ask your Honor with the power
17 of your office to protect these defendants against this un-
18 usual, unwarranted and illegal onthrust by the government.

19 THE COURT: All right.

20 MR. SCHIFFER: I ask that there is only one way
21 this Court can show the government here that you want a fair
22 trial, too. I say, discharge the panel. Let's start all
23 over. Give us at least an outside minimum opportunity to see
24 who the prospective jurors are.

25 THE COURT: All right, overrule the motion.

1 MR. SCHIFFER: We respectively except.

2 THE COURT: All right, is there anything further?
3 One moment, gentlemen. Any other parties have any further
4 questions to submit?

5 MR. NEAL: Your Honor, would you indulge me just
6 a moment, we don't have any additional questions to submit.
7 We do have some objections to some of the questions proposed
8 by some counsel. I don't know whether your Honor would want
9 to take up our objections at this time or not.

10 THE COURT: I have received questions on behalf
11 of Mr. Tweel. On behalf of Mr. Dorfman. On behalf of Mr.
12 Hoffa at this time. Let's take a few moments so the Court
13 can go over the questions.

14 MR. BRANSTETTER: May it please the Court, I
15 believe if the notation we have prepared, it may have been
16 prepared so hurriedly, but the Defendant Campbell has joined
17 in the Dorfman request. I thought we had noted it on the
18 paper handed up. It is entirely possible that because of the
19 time involved -- no, I believe, may it please the Court, we
20 headed it, "Suggestions on Behalf of All Defendants."

21 THE COURT: Yes, Mr. Brown.

22 MR. BROWN: If the Court please, I believe the
23 questions on behalf of Mr. King, did I not turn them in this
24 morning? Did I understand your Honor to name only those you
25 do have or those submitted at lunch? They were the first set

1 given to the Clerk this morning.

2 MR. ALEXANDER: I have a copy, your Honor, if
3 you would like it.

4 THE COURT: All right, any questions submitted on
5 behalf of Mr. King. Gentlemen, let's do this, let's be in
6 recess for about ten minutes until the Court has had some
7 opportunity to look at these. Then we will come back together
8 and consider them further.

TK 20 End
TK 21 fls

(Thereupon, at 2:51 p.m., a recess was taken.)

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1 THE COURT: All right. May we have the jury
2 panel returned to the box?

3 MR. BERKE: If your Honor please, the parties are
4 not here yet.

5 THE COURT: All right. Excuse me just a moment.

6 MR. BRANSTETTER: May I address the Court? I
7 understand that counsel, I had asked, in order to save time,
8 all counsel would like to, for all defendants would like to
9 join in each and every request that has been handed to the
10 Court previously.

11 THE COURT: All right.

12 MR. BRANSTETTER: By any defense counsel.

13 THE COURT: All right.

14 MR. BERKE: Would your Honor indulge the attorneys,
15 Mr. Haggerty hasn't come in and Mr. Alexander.

16 MR. SCHIFFER: I beg your pardon --

17 THE COURT: (Interposing) That's all right.

18 MR. SCHIFFER: Your Honor, two more motions to
19 make, if I may, before your Honor proceeds with your instruc-
20 tions.

21 THE COURT: All right.

22 MR. SCHIFFER: Your Honor, I believe it's possibly
23 by inadvertence, I think it was, in closing yesterday, your
24 Honor, on page 603 or at page 603 of the official transcript
25 more or less complimented defense counsel for having made

1 headway and stated that, "We all have different opinions about
2 what might bear on qualifications. Keep our voir dire down
3 within reasonable limits."

4 I thought your Honor may have inadvertently over-
5 looked that one remark. We thought we were making excellent
6 progress yesterday by permitting defense counsels to con-
7 tinue the way they had been. I was just drawing that to your
8 Honor's attention in case you had missed it.

9 The other motion I wish to make, your Honor, con-
10 cerns due process. I should like to ask your Honor, and I so
11 move, that your Honor direct the law enforcement agencies here
12 in this city, or wherever else they may come from, and I mean
13 the FBI and the Secret Service or whoever else has been brought
14 in by the Department of Justice in this case, that they cease
15 their surveillance on the counsel, defense counsel, that they
16 do the same concerning the defendants themselves.

17 I find myself hampered now. I can't even talk
18 with a prospective witness for the Defendant Parks without
19 seeing people who are so obviously law enforcement agents, and
20 I ask your Honor, in keeping with the precepts of due process,
21 that your Honor at this time direct counsel for the government
22 and the respective agencies of law enforcement, whoever they
23 may be, to cease a surveillance and I go one step further.

24 I am convinced in my own mind now my own telephone
25 wire is being tapped at the hotel, that I cannot talk to a

1 prospective witness, I cannot talk with anybody else about
2 this case and about other of my legal matters for other
3 clients in other cities of the United States without having
4 that wire tapped. There is something wrong with the phone
5 very suddenly. It started Monday night, your Honor, and if
6 they aren't doing it, I am not going to ask them to commit
7 themselves at this time.

8 All I ask is a directive from this Court, and I
9 think we are entitled to it within due process that they
10 cease their surveillance as of now insofar as all counsel are
11 concerned and all defendants.

12 MR. NEAL: Your Honor, I am sure that Mr. Schiffer
13 doesn't want us to commit ourselves but that little statement
14 was made, I think, for the members of the press. In any event,
15 the government states emphatically, categorically, without
16 any reservation, no phones are being tapped, no counsel is
17 being surveilled, and no defendant is being surveilled by any
18 agency of the federal government.

19 MR. SCHIFFER: For my part, your Honor, I refuse
20 to accept the assurance of Mr. Neal, I just don't believe it.

21 MR. BERKE: If your Honor please, as an officer
22 of this court, and I am recently employed, I am willing to
23 state that Mr. Neal is wrong, that he just doesn't have the
24 right information.

25 THE COURT: All right. Well, the Court will take

1 those matters under advisement.

2 May we have the jury returned?

3 (The veniremen referred to above were returned

TK 21 End 4 into open court.)

TK 22 fls

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1 THE COURT: Just have a seat please. Ladies and
2 gentlemen, there are a few additional inquiries that I should
3 like to address to you in response to requests by various
4 counsel in this lawsuit. By virtue of the fact that the Court
5 has decided that you should remain together throughout this
6 trial, would that cause you to have any prejudice against or
7 any sympathy for either side in this lawsuit? Is there any
8 juror--

9 MRS. HARNER: Your Honor, I'm sorry, it would
10 not cause me before to have any prejudice against or anything
11 of that sort, but since being in here before I have received
12 a message that my husband is ill. And I wondered if that
13 would allow me to be excused?

14 THE COURT: All right, we'll--, what is your
15 information in that regard?

16 MRS. HARNER: Well, I received a message from my
17 daughter that he had become ill and had to go to the doctor
18 and they had run a cardiograph which seemed to look all right,
19 but that he will have to be under a doctor's care. And he
20 seems to want me to be at home and I would like to be there.

21 THE COURT: All right.

22 MRS. HARNER: I'm very sorry, but it is something
23 that is out of my control.

24 THE COURT: All right, Mrs. Harner, you will be
25 excused.

1 MRS. HARNER: Thank you.

2 (Venirewoman excused.)

3 THE COURT: Now, then, are there any other members?
4 Did each of you hear the question that I had asked? That is,
5 by virtue of the fact that the Court has decided that the
6 jury should be kept together throughout the trial of this
7 case, would any of you feel any sympathy for or any prejudice
8 against either side in this lawsuit by reason of the Court's
9 decision to do that? Or could you try the case? Yes, ma'am?

10 MRS. BUTTERFIELD: I'm afraid, sir, that I would
11 have, after awhile of being away from home after awhile that
12 I would be prejudiced that I would feel that it was dragging
13 on and there was nothing I could do about it and I'm afraid
14 that I wouldn't be able to concentrate on even hearing the
15 testimony.

16 THE COURT: All right, you will be excused, Mrs.
17 Butterfield.

18 (Venirewoman excused.)

19 THE COURT: Any other juror? At the conclusion
20 of the case the Court will give the jury instructions with
21 regard to the law in the case. Included in the instructions
22 will be such matters as the jury should draw no inference of
23 guilt as to any defendant merely by reason of the fact that
24 an indictment has been returned.

25 The court will give further instructions that the

1 presumption of innocence of each defendant should be carried
2 with you to the jury room to your deliberations and it should
3 be considered by you until you are satisfied from all of the
4 evidence beyond a reasonable doubt of the guilt of each
5 defendant before returning any verdict against that defendant.

6 Now, would each juror follow the instructions of
7 the Court in regard to that or in regard to any other law
8 that the Court might give you instructions upon?

9 Does any juror personally know of any person who
10 is to be a witness in this case? Do you have any knowledge
11 of any person that purports to be a witness in this case?

12 Would the fact that at least one of the defendants,
13 Mr. Hoffa, may have received publicity throughout the nation
14 cause you to have any sympathy for or any prejudice against
15 him in the trial of this case? Or could you try his case and
16 try the case of each of the other defendants without regard
17 to such matters and strictly on the evidence and upon the
18 instructions of the Court?

19 If after at the completion of this case and after
20 you have deliberated upon the case and if after a full
21 deliberation and after due and proper consideration of your
22 fellow jurors' views, you should find that you conscientiously
23 disagree with regard to a verdict, would you surrender your
24 conscientious convictions merely to arrive at a unanimous
25 verdict?

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Are there any members of the jury who are

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acquainted, personally acquainted with Mr. Robert Kennedy,

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the Attorney General, Mr. Walter Sheridan, Mr. Charles

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Shaffer of the United States Attorney General's Office?

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1 Are there any members of the jury as now con-
2 stituted whose immediate families are in any way employed
3 by the United States?

4 Is there any member of the jury, other than Mr.
5 Pierce, who has engaged actively in police work, or in prison
6 work?

7 Does any member of this panel have a relative or
8 a friend who served upon the grand jury that returned the
9 indictment in this case?

10 Is there any member of the panel who has a
11 relative who is now or has been employed by a railroad, a
12 trucking or a shipping company?

13 MR. CASE: Your Honor.

14 THE COURT: Yes, sir.

15 MR. CASE: You said railroad?

16 THE COURT: Yes, sir.

17 MR. CASE: I do have three uncles in the North
18 who are employed by railroads, which one I do not know.

19 THE COURT: Do you know what railroad they are
20 employed by?

21 MR. CASE: No, sir, I don't. As far as their
22 work is concerned I don't know anything concerning that even.

23 THE COURT: Should any witness in this case
24 exercise his Constitutional privilege against testifying
25 against himself, that is, any witness, would any of you hold

1 that against a defendant in the case, another party, the
2 fact that one witness might not testify, would you hold that
3 against any defendant, prejudice any defendant thereby?

4 Have any members of the jury panel as now con-
5 stituted owned a business in which a union either attempted
6 to or did organize the business?

7 Any member of the panel as now constituted who
8 has himself or who has a member, relative, close member of
9 the family that has been involved in a labor dispute?

10 Has any member of the panel ever written anything
11 for publication in the labor-management field?

12 Does any reason suggest itself to any member of
13 the panel why she or he cannot render a just and fair verdict
14 based upon the evidence and the law as given to you by the
15 Court?

16 All right. Just one moment. During the course
17 of the trial it may be appropriate for the Court to instruct
18 you that evidence would be considered only as to some but
19 less than all of the defendants. Do you feel that you would
20 listen to the Court's instructions in that regard and follow
21 the instructions in that regard?

22 Do each of you understand that if selected upon
23 this jury you will be called upon to try the case of each
24 defendant individually and could you do that in the trial
25 of this case?

23 - 3

1 All right. Mr. Pierce, have you had to do any
2 police work in connection with any labor dispute?

3 MR. PIERCE: At one time when I was sheriff we
4 had a water strike there.

5 THE COURT: A what strike?

6 MR. PIERCE: A water company strike.

7 THE COURT: Yes.

8 MR. PIERCE: And it fell my lot to serve papers,
9 injunctions and so forth, on both sides of that question.

10 THE COURT: Would that experience in any way
11 influence you in rendering a fair and impartial verdict in
12 this case?

13 MR. PIERCE: No, sir.

End Tk 23 14
Tk 24 fls.

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1 THE COURT: Ladies and gentlemen, if you will step
2 out just a moment, please.

3 (Thereupon, the veniremen and women were retired
4 from the courtroom.)

5 THE COURT: Very well, gentlemen, are there any
6 further matters in regard to the voir dire of this panel?
7 If not, at this time let's have the first twelve jurors in
8 the order that they were drawn whose voir dire has now been
9 completed, called to the jury box. According to my records,
10 that would be No. 111, Mr. Baber, is that correct?

11 THE CLERK: Yes, your Honor. Do you want me to
12 call them out?

13 THE COURT: No. 193, Mr. Haverty, is that correct?

14 THE CLERK: Yes, your Honor.

15 THE COURT: No. 149, Mr. T. O. Gordon. Is that
16 correct?

17 THE CLERK: Yes, your Honor.

18 THE COURT: No. 123, Mr. Grady Jones, is that
19 correct?

20 THE CLERK: Yes, your Honor.

21 THE COURT: No. 107, Mr. Marvin H. Vick, is that
22 correct?

23 THE CLERK: Yes, your Honor.

24 THE COURT: No. 114, Mr. Jones, is that correct?

25 THE CLERK: No. 108, your Honor, Mr. Huber.

2 - 2 1 MR. SILETS: May I interrupt for a moment, your

2 Honor?

3 THE COURT: Yes, sir.

4 MR. SILETS: Are we going to have an opportunity
5 to strike for cause some of the people who just left?

6 THE COURT: Yes, sir, I will receive any motions
7 in that respect.

8 MR. SILETS: Well, your Honor, I would like to
9 move to strike the police officer.

10 THE COURT: May we complete this calling of the
11 names since we are in the process of that, without having
12 them brought in, Mr. Silets, and then take up your motion?

13 MR. SILETS: Oh, yes, sir.

14 THE COURT: In order that it won't interrupt the
15 sequence.

16 MR. ALEXANDER: I didn't get that last name after
17 Mr. Vick?

18 THE COURT: Mr. Vick.

19 MR. ALEXANDER: Mr. Huber, was it?

20 THE COURT: Mr. Huber, is that the next one?

21 THE CLERK: No. 108, Mr. Huber, is the way I
22 have it, your Honor.

23 THE COURT: All right. The next one?

24 THE CLERK: No. 196, Thomas Kendall Wood.

25 THE COURT: The next one?

1 THE CLERK: No. 179, B. S. White.

2 THE COURT: And the next one?

3 THE CLERK: No. 126, E. D. Case. No. 127, your
4 Honor.

5 THE COURT: No. 127 is E. D. Case?

6 THE CLERK: That's right.

7 THE COURT: All right.

8 THE CLERK: No. 114, Vallie Colvin Jones.

9 THE COURT: All right, the next one?

10 THE CLERK: No. 104, Mrs. Sam Oliver.

11 THE COURT: All right, the next one?

12 THE CLERK: No. 145, Lake S. Liner. That is the
13 twelve, your Honor. That leaves two.

14 THE COURT: Does anybody have any different
15 record of the order of drawing? All right, now, then, Mr.
16 Officer, do you have those numbers?

17 DEPUTY MARSHAL EVINS: Yes, sir.

18 THE COURT: All right, just hold up a minute
19 until I can hear any objections.

20 MR. SILETS: Your Honor, just as a preliminary to
21 the record, the record discloses that I have not waived any
22 of my questions, and I wish to request again that the Court
23 ask those specific questions which I had submitted together
24 with those submitted by each of my respective co-counsel
25 representing co-defendants.

1 THE COURT: All right.

2 MR. SILETS: I call the Court's attention to --

3 MR. ALEXANDER: May it please the Court, while
4 Mr. Silets is looking for that --

5 THE COURT: Yes, sir.

6 MR. SILETS: If the Court will bear with me a
7 moment.

8 MR. ALEXANDER: Might I move the Court on the
9 suggested questions which were submitted by the various counsel
10 for the defendants, may the record show that each defendant
11 adopts the questions filed by and on behalf of all of the
12 defendants?

13 THE COURT: Yes, let the record show that.

14 MR. SILETS: I would like to call to the Court's
15 attention Section 1862 of Title 28, and it says the follow-
16 ing: "Persons shall be exempt from jury service. It says
17 one, members on active service in the armed forces of the
18 United States. Two, members of a fire or police department
19 of any state, district, territory, possession, or subdivision.

20 Consequently, Mr. Pierce does not qualify. He is
21 exempt as a juror and I ask the Court to exempt him from
22 process here.

23 THE COURT: All right.

24 MR. SILETS: Now, I believe that one --

25 THE COURT: Let's take that matter up, does the

1 MR. NEAL: Yes, your Honor, that's an exemption,
2 not a disqualification, the Court does not have to exempt him
3 for that.

4 The government has a couple of cases here. Your
5 Honor, Caveness vs. the United States, 187 F. 2d 719, Ninth
6 circuit, 1951, certiorari denied, 341 U. S. 951, I will
7 quote from Page 72 of that case, your Honor. "Membership,"
8 I am quoting, "Membership in a police force is no disqualifi-
9 cation for jury duty."

10 MR. SILETS: May I see the decision?

11 MR. NEAL: Also, your Honor--

12 MR. SILETS: (Interposing) Where is the quote?
13 (Mr. Neal indicates.)

14 MR. NEAL: Also, your Honor, the case of Deschenes
15 vs. the United States, 224 F. 2d, Federal 2d.

16 THE COURT: I didn't get that citation.

17 MR. NEAL: 224, it's (spelling) D-e-s-c-h-e-n-e-s.

18 THE COURT: All right.

19 MR. NEAL: Versus the United States, 224 F. 2d
20 688, Tenth Circuit, 1955, particularly at Page 690 and 691.

21 Your Honor, with respect to Title 28, it's my
22 understanding, your Honor, that any exemption there is some-
23 thing that the person might claim but not having claimed it
24 it's no ground for disqualification and the government
25 relies on the two cases cited your Honor.

1 MR. SILETS: May I respond, your Honor?

2 THE COURT: Yes, sir.

3 MR. SILETS: Both cases are in opposite to this
4 situation. Caveness vs. the United States involved a man
5 who was a reserve officer of the police department not on
6 active duty. The Appalotna case relied upon Section 861 of
7 Title 28, the question of whether he was in fact disqualified,
8 not whether he was exempt. Deschenes vs. the United States
9 also relied upon by the government, the gentleman involved
10 was not a police officer but a member of the Crime Commission,
11 he didn't fall within the statute at all. There are no
12 cases precisely in point because it is a clear situation.

13 The man, if he is an active member of a police
14 department he is exempt. There is an exemption statute and
15 he should not have been called in the first place. Both
16 cases here do not reach the point which Mr. Neal cites and
17 if the Court-I can hand both of the volumes here.

18 THE COURT: Well, I will reserve any decision
19 on this, gentlemen. As I understand it, he is not on the
20 panel that has been called as yet.

21 MR. SILETS: That's right.

22 MR. GRADY: Your Honor, could we address the
23 Court?

24 THE COURT: Yes.

25 MR. GRADY: Just very briefly on behalf of Tweel.

1 If the Court does decide that the exemption has to be
2 claimed we would like to move the Court to allow the juror
3 to have that knowledge and see whether he wishes to claim
4 it or not.

5 THE COURT: All right. Let's have the jurors
6 come in, please.

7 Mr. Dale, will you again call out the numbers
8 of the jurors. Take the seat, let's have the jurors arranged
9 in the order in which their numbers were called starting with
10 No. 108, if we may, at this end.

11 MR. HUBER: I am 108.

12 THE COURT: All right. Would you call them off
13 in the order in which their voir dire examination was con-
14 ducted and have them seated in that arrangement? I believe
15 this gentleman would be first.

16 MR. DALE: Mr. Baber, No. 111 is first.

17 THE COURT: It would help us to identify you and
18 save some time, ladies and gentlemen, if we can get you
19 arranged in the order in which you were examined.

20 MR. DALE: 193, Mr. Haverty; 149, Mr. Gordon;
21 123, Mr. Jones, Grady Jones; 107, Mr. Vick.

22 MR. VICK: Yes, sir.

23 MR. DALE: And 108 is Mr. Huber; 196 is Mr.
24 Wood; 179 is Mr. White; 127 is Mr. Case; 114 is Mr. Vallie
25 Colvin Jones and 104 is Mrs. Sam Oliver.

1 MRS. OLIVER: Yes, sir.

2 MR. DALE: And 145 is Mr. Lake Liner.

3 THE COURT: What was the last number?

4 MR. DALE: No. 145, your Honor, Lake S. Liner.

5 THE COURT: All right. Just have a seat, please.

6 Ladies and gentlemen, we just want to all get you

7 clearly in mind at this time in your relative position with

8 respect to the manner in which your examination was conducted

9 and are we ready to proceed then, gentlemen, with--we will

10 excuse the panel and accept any challenges at this time.

11 Are you ready to proceed with that? If so--

12 MR. BERKE: (Interposing) If it's not an

13 imposition, could we just be absolutely sure and get the

14 names again in order?

15 THE COURT: This is Mr. Huber on the end, is

16 that correct?

17 MR. HUBER: Here.

18 THE COURT: Well, I am mixed. What is the first

19 number?

20 MR. DALE: 111, your Honor, Mr. Baber, it starts

21 there and then back and down.

22 THE COURT: Mr. Baber. And 193, Mr. Haverty,

23 is the next gentleman. No. 149, Mr. T. O. Gordon is the

24 next gentleman.

1 THE COURT: No. 123, Mr. Grady Jones is the next
2 gentleman.

3 No. 107, Mr. Marvin Vick is the next gentleman.

4 No. 108, Mr. Huber, is the next gentleman.

5 Then directly behind Mr. Huber to be Mr. Wood.

6 Is that correct?

7 MR. BERKE: What is the number, Your Honor?

8 THE COURT: The number on that is No. 196.

9 Next to Mr. Wood, Mr. B. S. White. Is that correct?

10 MR. WHITE: Yes, sir.

11 THE COURT: Next to Mr. White, No. 127 is Mr.

12 Case. Is that correct?

13 MR. CASE: Yes, sir.

14 THE COURT: Next to Mr. Case is No. 114, Mr. Jones.

15 Is that correct?

16 MR. JONES: Yes, sir.

17 THE COURT: Next to Mr. Jones is No. 104, Mrs.

18 Oliver.

19 MRS. OLIVER: Yes, sir.

20 THE COURT: And No. 145, Mr. Liner, the last
21 gentleman. Is that correct?

22 MR. LINER: Yes, sir.

23 THE COURT: All right, does everyone have their
24 names in the proper order now? If so, we will ask you to
25 step out again and let's take the next step.

1 (Thereupon, the venire was retired from the
2 courtroom.)

3 MR. ALEXANDER: May it please Your Honor--

4 THE COURT: Yes, sir, let me see if I can get
5 some of my papers straightened out. Yes, sir, Mr. Alexander.

6 MR. ALEXANDER: May it please Your Honor, the
7 hour of adjournment is only fifteen minutes away. Your Honor
8 has allowed the defendants twelve challenges. We are now
9 apparently at the point where we must begin to exercise our
10 challenges. I am wondering if Your Honor would consider
11 adjourning at this time until in the morning in order that
12 all of the defense counsel might meet tonight, go over these
13 names and decide, get our heads together, and decide what
14 we want to do about exercising our challenges? I believe
15 that it would be toward the ends of justice if that could be
16 done and since it is only fifteen more minutes I believe that
17 we can co-ordinate our activities better and I so move.

18 THE COURT: I believe that we ought to, if you
19 wish to take a recess for a short time to consult among
20 each other, I certainly will do that. I believe if we are
21 going to let some of these people go home, let them go home
22 tonight rather than keep them here, even if it means going
23 beyond the time for adjournment. Do you wish to take a
24 recess for that purpose?

25 MR. BERKE: We will wait until the government

1 exercises their challenges first.

2 MR. HOOKER: If we exercise one juror's challenge
3 would Your Honor then fill that juror's place?

4 THE COURT: Yes, sir, we will fill it to the extent
5 of the jurors that may be available to fill it.

6 MR. HOOKER: In other words, we wouldn't have to
7 exercise the second challenge until we knew who the juror was
8 that took the vacancy? Otherwise we would get no selectivity
9 at all.

10 THE COURT: Well, there are two jurors who have
11 not been called, one of which the Court still has under
12 reservation the matter of--

13 MR. HOOKER: We would want to know who was going
14 to be next when we exercise a challenge.

15 THE COURT: Well, let's take a brief recess while
16 the Court checks on the objections that have been made.

17 MR. NEAL: Your Honor, may I cite you another
18 case on the proposition that Mr. Pierce is not challengeable
19 for cause?

20 THE COURT: All right.

21 MR. NEAL: And this case explains the difference
22 between challenges for cause and exceptions and holds that
23 an active deputy sheriff is not challenged for cause. It is
24 Nick, (spelling by Mr. Neal) N-I-C-K, et al, versus United
25 States, 122 Fed. 2d 660 and particularly at Pages 670 and 671,

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1 certiorari denied, 1962 Supreme Court, Your Honor, 302 and
2 Your Honor, I don't have in here the United States reports.

3 THE COURT: All right, let's be in recess about
4 five minutes.

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MR. SILETS: Your Honor, just in rebuttal to Mr. Neal's reference to Nick versus the United States, I just point out that that case, which is new to me, was an interpretation of the statutes of Missouri and not the statutes of the United States and that statute said that a deputy constable shall not be compelled to serve as a juror.

If we are to interrupt the statute of the United States which sets forth the exact exemption, there cannot be any clearer case than a police officer, such as Mr. Pierce on active duty, falling within the ambit of Section 1862, Title 28, United States Code.

THE COURT: The challenge for cause will be overruled as to Mr. Pierce.

Now, then, gentlemen, we will proceed with the exercising of challenges. The government will exercise their challenges first. As the first vacancy is created on the panel, the next juror, whose name is what, what number?

MR. DALE: No. 164, Ralph C. Hutson.

THE COURT: Mr. Hutson and then?

MR. DALE: No. 163, Ernest Clifton Pierce.

THE COURT: The first juror excused will be replaced with Mr. Hutson, the second juror excused will be replaced by Mr. Pierce, following that a replacement will not be made on the panel until all challenges have been exercised.

MR. SCHIFFER: May I inquire, your Honor, has

1 there been a challenge just exercised?

2 THE COURT: Beg your pardon?

3 MR. SCHIFFER: Has there been a challenge just
4 exercised?

5 THE COURT: No, sir, there was a motion for
6 challenge for cause which the Court overruled.

7 MR. ALEXANDER: Did your Honor act on our motion
8 to notify the police officer that he could claim this
9 exemption since your Honor holds it an exemption rather than
10 a disqualification?

11 THE COURT: Yes, it is an exemption and not a
12 disqualification and the matter is personal to the juror.

13 MR. ALEXANDER: Then our motion is overruled?

14 THE COURT: Yes.

15 MR. SILETS: Your Honor, may I then move that the
16 Court ask Mr. Pierce if he is aware that he can be exempt
17 if he so desires?

18 THE COURT: The request will be overruled in
19 that respect. Let's proceed with the peremptory challenges
20 by the government, if any.

21 MR. HOOKER: We challenge No. 179, B. S. White,
22 who I believe is sitting in seat No. 8, if I have got it
23 figured out right.

24 THE COURT: All right. Any others?

25 MR. HOOKER: Well, we would prefer not to exercise

1 any others now until that vacancy is filled.

2 THE COURT: It is already filled by Mr. Hutson.

3 MR. HOOKER: What is the next number?

4 THE COURT: No. 174, Mr. Hutson.

5 MR. SAULPAW: Your Honor, that's 164.

6 THE COURT: 164, excuse me.

7 MR. HOOKER: Will your Honor indulge me just a
8 moment?

9 MR. NEAL: Your Honor, the government is slightly
10 confused. If we exercise one challenge, shouldn't the panel
11 pass to the defendant back to challenge and back to us and
12 alternate it that way, wouldn't that be the fair procedure?
13 They exercise two, since they have twelve and we have six
14 or they had twelve and we have six, wouldn't we exercise
15 one challenge, the place be filled, the panel passed to
16 defendant to exercise two challenges, back to us for one
17 and then to them for two and in that manner? That is the
18 way at least --

19 MR. BERKE: (Interposing) I have practiced in
20 this court, that's not the practice in this court in this
21 district.

22 MR. BROWN: Your Honor, it is our procedure, it
23 has always been the practice here that the government would
24 exercise their challenges and then accept the array, then the
25 defendant would exercise his challenges, then the government
would have to pass again. We certainly want that procedure.

1 THE COURT: Yes, we will follow that procedure in
2 this case.

3 MR. NEAL: Your Honor, then, could we clear this
4 up? I think this has been stated several times and I'm sure
5 that it is clear, but it is a vital point that it be clear,
6 when we pass the board, if the defendants strike any man we
7 can go back to anyone on the panel thereafter. In other
8 words, I believe this was understood Saturday, that you can
9 strike anyone even though he is on the panel that you have
10 passed so long as you have a challenge left? I think we
11 agreed on this that we could strike anyone on the panel even
12 though he was passed on the panel, we strike again. Another
13 man fills the box. We pass twelve. Then the defendants
14 strike two. Well, that has changed the complexion of the
15 panel because you pass the panel as a whole. Then we can
16 come back and strike either the new people or the people that
17 we originally passed because the complexion of the board has
18 been changed and this I believe I'm sure, as a matter of
19 fact, I just read it in the transcript, this is to be true
20 so long as the government or the defendant has peremptory
21 challenges left.

22 Now, it is only when there are two passes, pass
23 the panel of twelve by the government and the defendant then
24 also passes the panel of twelve do we have a jury or when you
25 run out of peremptory challenges.

1 I'm sure that is the agreement we had Saturday.

2 MR. REDDY: We have some authority on that, may
3 it please the Court, if there is any question about it.

4 MR. SCHIFFER: If I may say, Your Honor, that
5 has been the procedure we understood was followed that Mr.
6 Brown had stated awhile ago that the rules of this particular
7 district would govern.

8 MR. BERKE: If Your Honor please, that is the way
9 we understood it at the pre-trial conference. That is the
10 way this Court has been operating now for thirty years.

11 THE COURT: Of course, the way we have operated,
12 Mr. Berke--

13 MR. BERKE: I mean, that is the system of
14 operation for the selection of the jury. I don't mean the
15 method the Court operates but I mean the operation of the
16 selection of the jury ever since I've been practicing law
17 before this court and I see no reason to change this particular
18 instance, and I think that the rules that the Court has
19 heretofore adopted or practiced should be the rule that is to
20 prevail now, certainly when these defendants are brought down
21 here they shouldn't have a special rule just for these
22 defendants or just because the government wants a different
23 rule.

24 MR. NEAL: You are agreeing with us then, Mr. Berke?
25 In the last statement?

1 MR. BERKE: I think that the rule is that the
2 government should exercise as many challenges as they want
3 and pass to us. And then we accept it and then we challenge,
4 if we challenge you can go on and challenge again.

5 MR. NEAL: That is my understanding too, if twelve
6 is passed to you and you accept the whole panel we are done.
7 The jury has been selected.

8 MR. BERKE: That's right.

9 MR. NEAL: If you strike one man then we can
10 strike throughout the whole panel.

11 MR. BERKE: Yes, sir.

12 MR. NEAL: That is what I was trying to state.

13 MR. SILETS: This wasn't my understanding. My
14 impression of the rules of procedure of this court was that
15 once the government tendered the panel to us they accept
16 them as it was. If they had a remaining challenge, they
17 could challenge whoever was added by virtue of our challenges.

18 THE COURT: Well, gentlemen, our purpose
19 Saturday and our attempt Saturday was to give the parties
20 if possible twelve jurors in which to challenge. The following
21 procedure will be that once the jury, the government will
22 exercise any challenges they may desire to exercise, pass the
23 jury to the defendants. If the defendants exercise challenges,
24 the government then may exercise further challenges when the--
25 the government may then exercise further challenges until

1 such time as the defendant does not exercise any additional
2 challenges. All right.

3 MR. NEAL: And that further challenges may be
4 exercised whether it is a new man in the box or man we previously
5 passed?

6 THE COURT: Yes. (Respite.)

7 MR. HOOKER: May it please Your Honor, the
8 government challenges Juror No. 164, Ralph C. Hutson.

9 THE COURT: All right.

10 MR. HOOKER: That completes our challenges at
11 this time.

12 THE COURT: All right. As to the defendants on
13 behalf of--, yes, Mr. Branstetter.

14 MR. BRANSTETTER: May I inquire and I don't want
15 to prolong the matter, may it please the Court, but I do want
16 to understand. I believe the defendants now have eleven
17 peremptory challenges remaining?

18 THE COURT: That's correct.

19 MR. BRANSTETTER: That the government has four?

20 THE COURT: That's correct.

21 MR. BRANSTETTER: That if we now exercise one
22 peremptory challenge collectively between all the defendants
23 and then pass back the government must then exercise its
24 additional challenges or some of them?

25 THE COURT: If it desires to exercise any. Whenever

1 it is passed back to the defendants and the defendants finally
2 accept the panel as constituted the peremptory challenges
3 will cease.

4 MR. NEAL: Your Honor, if they exercise one
5 challenge and it is passed back to us and we--, and they pass
6 the jury to us and we accept the twelve that is the jury,
7 isn't it?

8 THE COURT: No. At any time when the defendants,
9 if it is passed back to you, if you desire to exercise, you
10 pass. If you have no further challenges to make, it is
11 passed back to the defendants again and if they exercise a
12 challenge, it will be passed back to you again. But if they
13 exercise when they get to the point where they exercise no
14 challenge--

15 MR. NEAL: In other words, it stops with the
16 defendant if they pass twelve to us but we don't exercise
17 it still goes back to them?

18 THE COURT: Yes, sir.

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1 MR. BRANSTETTER: The defendants then would like--

2 MR. BROWN: (Interposing) Your Honor, a point
3 of information. Has the government now accepted Pierce,
4 No. 163, in place of No. 164 and have they approved the panel
5 as it now stands?

6 THE COURT: Mr. Pierce is now on the panel, yes.

7 MR. HOOKER: We passed the panel to you.

8 THE COURT: They passed the panel.

9 MR. BROWN: I didn't understand.

10 THE COURT: I think, gentlemen, you should advise
11 any remaining members of the jury panel who have not been
12 called they will be excused until nine o'clock in the morning,
13 excused until nine o'clock in the morning. I assume, Mr.
14 Officer, you have notified, is it Mr. White? Just a moment,
15 just wait.

16 THE CLERK: Mr. White and Mr. Hutson.

17 THE COURT: All right.

18 MR. BROWN: Your Honor, on behalf of Defendant
19 King we challenge No. 149, Mr. T. O. Gordon.

20 May I inquire, if the Court please, if the Clerk
21 can give us any idea--I know your Honor's court usually
22 adjourns at 4:30, I am sorry to say I made some appointments.
23 If I could get some idea I could call.

24 THE COURT: Well, as soon as we finish this
25 challenging, we will. Whenever either side fails to make

1 any further challenges when it is passed to that side then
2 those jurors who remain will be accepted as jurors in the
3 case.

4 MR. BROWN: Then as I understand the Court's
5 ruling, we will either have a jury or we will exhaust what
6 jurors we have.

7 THE COURT: That's correct, whenever either side
8 fails to make a further challenge the defense will make their
9 challenges at this time, and then it will be passed back to
10 the government. If the government makes no challenge then
11 the challenges will cease. If the government makes a
12 challenge it will be passed back to the defendant. If the
13 defendant makes no challenge the challenges will cease. If
14 the defendants make a challenge the panel passes back to the
15 government. We will go back and forth until one side or
16 the other makes no further challenges. At that point the
17 challenges will cease.

18 MR. NEAL: In other words, if we don't challenge
19 now we have got a jury?

20 THE COURT: No, sir, the defendants, the challenges
21 still rest with the defendants.

22 MR. NEAL: I mean if they pass to us and if we
23 don't challenge?

24 THE COURT: If you don't challenge the challenges
25 will cease.

1 MR. BRANSTETTER: Your Honor, this is the reason
2 I raised the point. I thought I understood--

3 THE COURT: (Interposing) All right.

4 MR. BRANSTETTER: Now, if the defendants collec-
5 tively--

6 THE COURT: (Interposing) Yes.

7 MR. BRANSTETTER: Challenge Mr. Gordon and pass
8 it back to the government and the government makes no chal-
9 lenges.

10 THE COURT: The remaining jurors will constitute
11 the panel.

12 MR. BRANSTETTER: This we have not understood
13 at all. This we have not understood.

14 THE COURT: I am sorry.

15 MR. BRANSTETTER: I believe I either misunderstood
16 or the record will show that before when we discussed the
17 matter and I inquired specifically if the government says,
18 "We care to challenge no further," then the defense can still
19 challenge whatever challenges it has left peremptorily,
20 otherwise.

21 THE COURT: So that there will be no misunder-
22 standing then let me outline the procedure again. The
23 challenges will proceed with the government making their
24 challenges first, then the defendants will have an opportunity
25 to make their challenges, then the panel would pass back to

1 the government and back to the defendants, back and forth
2 until one side or the other fails to make any challenge. At
3 the point where one side, either side, fails to make a challenge
4 the remaining jurors will constitute members of the jury panel.

5 MR. BRANSTETTER: Could I, by way of example,
6 inquire because I am not totally clear? If by way of example
7 Mr. Gordon were to be challenged, only one challenge by one
8 defendant, we have several, and then pass it back to the
9 government and the government says, "We have no further
10 challenges," then--

11 THE COURT: (Interposing) The challenges would
12 cease.

13 MR. BRANSTETTER: Then the defendants could
14 challenge no more?

15 THE COURT: That is correct.

16 MR. BRANSTETTER: This is a great disadvantage
17 to the defendants. We have not understood this at all, may
18 it please the Court. It's contrary to what has been stated.

19 MR. BERKE: Let me see if the Court isn't mis-
20 taken about this for this reason: Now we have made a challenge.
21 Now a new party comes in. Now the government has to pass
22 on the new juror. Now, when the government accepts the new
23 juror he passes it to us. Then we can certainly challenge
24 that juror or another juror.

25 That was the agreement that we had with the

1 government and that is what Mr. Neal was talking about.
2 Certainly, if your Honor please, if you put another juror
3 in the box, now, we don't know what the name of that juror
4 will be and the government says, "We take it." Does your
5 Honor mean to say we can't pass on that juror?

6 THE COURT: Any additional jurors that are called,
7 of course, will be subject to challenge but the jurors that
8 remain after the challenges have been exercised in accordance
9 with the rules that the Court has laid down at this time will
10 constitute members of the jury panel.

11 MR. BERKE: I don't think Mr. Neal follows that.
12 Mr. Neal and myself were in agreement on the procedure but I
13 am afraid that the Court doesn't agree with Mr. Neal and
14 myself.

15 In other words, what Mr. Neal was talking about,
16 if your Honor please, for instance, he has passed this jury
17 to us. Now we have exercised one challenge. Now you bring
18 a brand new juror in here.

19 Mr. Neal says, and I thought and I will have to
20 agree with him, as I seldom do, but I thought then that Mr.
21 Neal could challenge, not only the one you brought in but
22 anybody else that was on the jury.

23 THE COURT: Yes, he can.

24 MR. BERKE: Now, then why can't we then after he
25 has done that--

1 THE COURT: (Interposing) You can.

2 MR. BERKE: Now, supposing we put one new man
3 in the jury and he doesn't exercise any more challenges, he
4 is satisfied with that new one. Now he has to pass it to us
5 because we have never passed on the full 12 panel because we
6 have only passed on 11, we have never passed on 12, therefore
7 the challenges should be open to the defendant in order to
8 exercise one, two or eleven challenges.

9 MR. HOOKER: Then if you exercise any more we
10 would have the right to exercise.

11 MR. BERKE: That's right. But, your Honor, we
12 think that what your Honor is doing--

13 THE COURT: (Interposing) All right. Let's have
14 the government state their position on this and then have Mr.
15 Berke state his and see if you are in agreement on it.

16 MR. NEAL: Your Honor, I would have to agree that
17 I had the same understanding that Mr. Berke did. I don't
18 think this is what I was trying to make in the beginning.

19 MR. BERKE: That's right.

20 MR. NEAL: While I had the understanding with
21 him I don't think it's fair to the government, your Honor,
22 our understanding. The reason I raised the first point that
23 we should do this thing alternating, we strike one, they
24 strike two and we would go because that would be fair then.
25 The way it is they can keep us striking by merely striking

1 one, you see, and then we are set upon with only four
2 challenges remaining, only six in the beginning, exactly
3 half of theirs, whereby they will strike one and they will
4 run us out with five or six or seven challenges still unless
5 we gamble that if we pass they will go ahead and strike, you
6 see.

7 Although I will state my understanding was that
8 if we struck and the box is filled, they strike and we don't
9 strike it goes back to them. I don't think it's fair but
10 that is what I thought your Honor said.

11 MR. BERKE: That is correct, your Honor.

12 MR. NEAL: That is the reason, your Honor, I
13 didn't argue about it because I don't like to argue after
14 the Court rules, I won't do it, but I don't think that is
15 entirely fair to the government that the procedure as out-
16 lined, I think the procedure the Court outlined would be
17 fair in that once we passed, if they now strike a man there
18 is a box full, if they strike a man and the box is then
19 refilled and 12 are passed to us, if we don't exercise any
20 challenges they should only be able to pass upon that one man.
21 That would be fair. But that was not--

22 MR. BERKE: (Interposing) That was not the
23 agreement.

24 MR. NEAL: Was not the way it was stated, I agree.
25 I don't think the way it was stated was fair to the government.

1 MR. SILETS: Your Honor, if I may be heard, I
2 think Mr. Neal's fear is unfounded because if we strike one
3 now we don't have the panel, your Honor, I assume, will draw
4 or have the Clerk draw tomorrow five names, one to replace
5 the one in the box and the four alternates and we will examine
6 five at a time.

7 THE COURT: No, gentlemen. Now, we are going
8 to proceed here this evening until we get some juror accepted.
9 We are not going to leave this court tonight until there has
10 either--either all the jurors have been challenged that have
11 been voir dired or otherwise some of them have been accepted.
12 We have gone three days and we do not have a single juror
13 selected as yet.

14 MR. NEAL: Your Honor, I believe we are at the
15 end of the line now on voir dire unless I have miscounted.

16 MR. ALEXANDER: I thought you had one more.

17 MR. NEAL: Pierce was in the box.

18 MR. ALEXANDER: He is in the box.

19 THE COURT: We have exhausted all of those upon
20 which voir dire has been completed but at this time we should
21 start to select some jurors. If we have to fill the box up
22 every time a challenge is exercised that means that we have
23 got to examine one juror at a time until some 36 jurors have
24 gone through the box, if everybody exercised all of their
25 peremptory challenges.

1 MR. NEAL: Your Honor, we don't have any objection
2 to going through five or six at a time. We would hope that
3 there would be some remaining, the box would be filled when
4 it's passed to us, however, you can do it any way you see,
5 if they strike one there is no way the box can come back to
6 us as a complete panel without additional voir dire, there
7 are no more left. Tomorrow morning we certainly think it
8 would be expeditious to examine five or six or seven at a
9 time so that we would have them remaining as Pierce and
10 Hutson were, but right now if we go ahead it's going to come
11 back to us with eleven.

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1 THE COURT: Well, all right, gentlemen, suppose
2 then, suppose I take this under advisement and attempt to
3 figure it out overnight just how to do it and be fair to
4 everyone.

5 MR. HOOKER: As the matter now stands, they have
6 challenged Gordon and is there no one here to fill Gordon's
7 place?

8 THE COURT: That is correct. That's correct.
9 Well, suppose that we let matters stand just as they are at
10 this point. At this point the right to exercise further
11 peremptory challenges now rests with the defendants. Well,
12 until we decide further how to proceed. The right rests to
13 make further challenges rests with the defendants.

14 MR. SILETS: There is one further matter, Your
15 Honor, that the Court wanted to take up in chambers that
16 pertained to the transcript.

17 THE COURT: Yes. May I see counsel and any of
18 the parties that desire to be present also in chambers with
19 regard to the matters discussed on obtaining copies of the
20 transcript. Is there anything else before we adjourn?
21 Let's have the eleven jurors before we adjourn, let's have
22 the eleven jurors come in just a moment.

23 MR. BRANSTETTER: May it please the Court, before
24 they come in could I suggest to the Court that the Court
25 give the same instructions to the jury and to the marshals

1 that was given on the first day. Some are here now that were
2 not here then and that is, substantially, that the marshals
3 are not a part of the government or the defense. They are a
4 part of the judicial process of the Court and are to give
5 information to no one or they are not working for either
6 side.

7 THE COURT: All right.

8 MARSHAL MANSFIELD: The only marshals with the
9 jury were the same marshals that were instructed that day
10 and they are not all available for that instructions today.

11 THE COURT: All right, this instruction will be
12 to the jury.

13 (Thereupon, the venire of eleven was brought into
14 the courtroom.)

15 THE COURT: Ladies and gentlemen, you are most
16 patient. At least I hope that you are at this point. At
17 this point we are going to have to adjourn now for the
18 evening.

19 ONE OF THE JURORS: Your Honor, I believe we're
20 short one.

21 MARSHAL DISSPAYNE: Your Honor, we are short one.

22 THE COURT: All right.

23 (Thereupon, the other venireman was brought into
24 the courtroom.)

25 THE COURT: Ladies and gentlemen, we are going

1 to adjourn at this time. I do want to express my appreciation
2 to you, however, for your patience. I know this has been a
3 very trying thing. You've been just sitting and waiting most
4 of the time since you have been here and if there is anyone
5 to be blamed if you feel that anyone is to blame for that,
6 blame it on the Court. It has just been necessary in order
7 to as best the Court could do, to try to assure that everyone
8 in here in this case has a fair trial.

9 So, any of these delays, any of these irritations,
10 you take them out upon the Court and not upon any party or
11 either side, to this litigation.

12 You are performing an extremely important function.
13 You are performing one of the highest duties that any
14 citizen is called upon to perform. And if you will just
15 bear that in mind as you are called upon to sacrifice your
16 time, sacrifice your homelife and all of the other burdens
17 that you are now assuming, perhaps it will be of some
18 consolation to you.

19 Now, during the evening and during the recess as
20 at any recess, please do not discuss this case. Do not talk
21 about it among yourselves. Do not talk to anybody else
22 about it. Likewise, do not read about the case if you have
23 occasion to see any papers or otherwise. Do not listen to
24 news casts or news stories. Keep yourselves as I have said
25 to you before in a posture where you can try the case solely

1 on the instructions of the Court and the instructions that
2 the Court will give you.

3 You will be attended by some members of the
4 United States Marshal's Office. They are to serve you in
5 any way that they can, any reasonable request that you have,
6 do not hesitate to call upon them to be of assistance to
7 you to render any assistance that they can.

8 They are for that purpose and the Court has
9 instructed them to do so. These gentlemen are not members
10 of the prosecution. They are not members of the defense.
11 They are not parties in any way to this lawsuit. They are
12 merely officers who are available to wait upon you and to
13 attend any need that you may have.

14 We want to do everything we can to make your
15 service on this jury as little onerous as we can and as little
16 burdensome as we can.

17 It is a burden that you are assuming, and the
18 Court recognizes the importance of what you are doing and
19 see if that cannot be some recompense for what deprivations
20 you will now have.

21 If you will, please go with the officer. Thank
22 you very much.

23 (Thereupon, the venire was retired from the
24 courtroom.)

25 THE COURT: You may be excused for the day at this

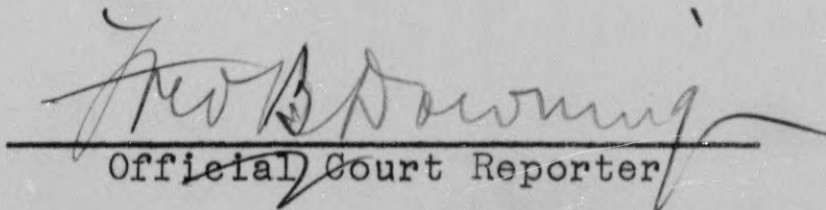
1 time. All right, is there anything further? If not, let's
2 adjourn Court until nine o'clock tomorrow morning.

3 (Thereupon, at 4:50 o'clock p. m., court was
4 adjourned until nine o'clock a. m., January 23, 1964.)
5 -----

6 REPORTER'S CERTIFICATE

7 I, Fred B. Downing, Official Court Reporter for
8 the United States District Court, for the Eastern District
9 of Tennessee, Southern Division, at Chattanooga, Tennessee
10 hereby certify that Richard Smith and John E. Hamlin, court
11 reporters, in accordance with stipulation of counsel for the
12 parties filed in this case, recorded by machine shorthand the
13 proceedings had in open court in the above styled case on
14 January 22, 1964; and that said proceedings were reduced to
15 typewriting under my supervision; and that the foregoing
16 transcript is a true and correct transcript of the said
17 proceedings to the best of my knowledge.

18 This the 22nd day of January, 1964.

19
20 
21 Official Court Reporter
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25